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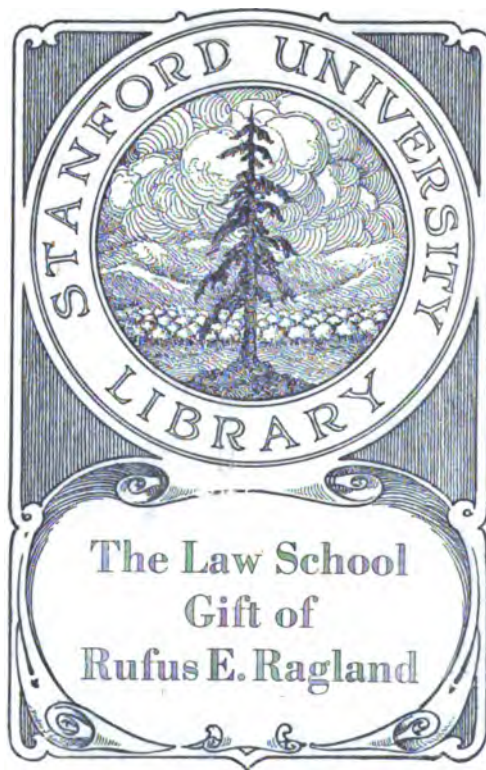
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STATE OF KANSAS.

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SESSION LAWS OF 1889,

PASSED AT THE TWENTY-THIRD REGULAR, THE SAME BEING THE SIXTH BIENNIAL  
SESSION OF THE LEGISLATURE OF THE STATE OF KANSAS.

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## AUTHENTICATION.

THE STATE OF KANSAS, }  
OFFICE OF SECRETARY OF STATE. }

I, William Higgins, Secretary of State of the State of Kansas, do hereby certify that the printed acts and resolutions contained in this volume are true and correct copies of the enrolled laws and resolutions, and of memorials, which were passed at the regular biennial session of the Legislature, begun on the 8th day of January, A.D.1889, and concluded on the 4th day of March, A.D.1889; and I further certify that all laws and joint resolutions contained in this volume, not having taken effect by publication in some newspaper as per certificate thereunto annexed, will take effect and be in force from and after the 25th day of May, 1889, (except when otherwise provided.)

Given under my hand and seal, this 25th day of May, A.D.1889.

[SEAL.]

WILLIAM HIGGINS, *Secretary of State.*

**359897**

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**ERRATUM.**

**In chapter 52, section 2, the comma after the word "charities" should be omitted, and a comma placed after the words "Grand Army of the Republic."**

# LAWS OF KANSAS.

## CHAPTER I.

### RELATING TO ABSTRACTING.

AN ACT for the protection of the records of the several counties of the State of Kansas, and regulating the business of abstracting in relation thereto.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to engage in the business of abstracting, or make abstracts of title to real estate in any of the counties of the state of Kansas, without first having executed and filed with the county clerk of the county in which said person, firm or corporation intends to engage in the business of abstracting, a bond, to be approved by the board of county commissioners of said county, with three or more good and sufficient sureties, in the penal sum of five thousand dollars, conditioned that they will properly demean themselves in the business of abstracting, and will in no way mutilate, deface or destroy any of the records of the several county offices to which they may have access, and that they will not in any way interfere with, hinder or delay the several county officers in the discharge of their duties while using said records in the prosecution of said business of abstracting: *Provided, however,* That the records shall in no case be taken from the county office to which they belong. The person, firm or corporation who shall execute and file said bond of five thousand dollars for said purpose, shall be liable on said bond: first, to the state of Kansas; second, to any person who shall be in any way damaged by any mutilation, injury or destruction of any record or records of the several county offices to which he or they may have access, to the amount of damage actually done said person; and third, said person, firm or corporation shall be liable on said bond to any person or persons for whom he or they may

Filing bonds.

Liable to.

compile, make or furnish abstracts of title, to the amount of damage done to said person or persons by any incompleteness, imperfection or error made by said person, firm or corporation in compiling said abstract. And the filing of said bond shall be a guaranty of the good faith and responsibility of said person, firm or corporation engaged in said business of abstracting.

SEC. 2. Upon the execution and filing of the bond hereinbefore mentioned, each person, firm or corporation so filing such bond shall have free access to the county records of the several county offices for the purposes of the prosecution of their said business of abstracting, and the compiling, posting, and keeping up of their abstract books necessary for the proper conduct of their said business, under the direct supervision of the county officers having the legal custody of said records; and while handling and using said county records for any of the purposes of this act, the said abstractors shall be under the same obligation to protect and carefully keep and preserve said records as the several county officers who have the legal custody of said records, and subject to the same penalties for a violation of such duty as said officer would be.

SEC. 3. Any person, firm or corporation who shall engage in the business of abstracting, or make abstracts of title for any one, except on their own property, or as a legally-constituted attorney for another person, without first having executed and filed the bond in compliance with section one of this act, shall be refused the use of the records by the officer having the custody thereof, and shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not exceeding one hundred dollars for each and every such offense.

Fine.

SEC. 4. Any county officer who shall prevent or prohibit any person who has complied with the provisions of this act from a proper use of the records of their said office as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars for each and every such offense.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 4, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER II.

### INCORPORATION OF SPRINGFIELD, SEWARD COUNTY.

AN ACT to legalize the incorporation of the town of Springfield, in Seward county, as a city of the third class.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the acts and proceedings of the board of county commissioners of Seward county incorporating the town of Springfield, in Seward county, as a city of the third class, be and they are hereby legalized; and that the incorporation of said town as such city be and it is hereby legalized.

SEC. 2. That this act take effect immediately upon its publication in the official paper of the state.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889.      WILLIAM HIGGINS, *Secretary of State*.

---

## CHAPTER III.

### TAXES IN KEARNEY COUNTY.

AN ACT to legalize the taxes levied and extended on the tax-rolls in Kearney county in 1888.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the tax levy made by the county commissioners of Kearney county, Kansas, in 1888, and the tax

levy extended on the tax-roll of said county by the county clerk, be and the same are hereby legalized to all intents and purposes as if the said assessment had been made in conformity to law.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER IV.

### CITY OF EUREKA, GREENWOOD COUNTY.

AN ACT to legalize the act of the Common Council of the city of Eureka, county of Greenwood and State of Kansas, in issuing certain bonds of said city for the purpose of constructing a system of water works in said city, and to provide for the registration of said bonds.

WHEREAS, On the first day of July, 1888, the common council of the city of Eureka, in the county of Greenwood, in the state of Kansas, made and issued eighty (80) bonds of said city for five hundred dollars each, payable on the first day of July, 1918, with interest payable semi-annually on the first days of July and January of each year at five per cent. per annum, all bearing date the day and year aforesaid, and which were issued in accordance with a vote of the citizens of said city, to be issued in payment for a system of water works in said city; and

WHEREAS, Such bonds, together with the other bonded indebtedness of said city, is three thousand dollars in excess of ten per cent. of its taxable property: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the act of the common council of said city of Eureka in issuing the said bonds as aforesaid, be and the same is hereby declared legal.

SEC. 2. That the auditor of the state of Kansas shall, upon the presentation to him of the said bonds, register the same in his office in pursuance of law.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER V.

### OAKLEY, LOGAN COUNTY.

AN ACT to legalize the organization and ordinances of the city of Oakley, Logan county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the organization of the city of Oakley as a city of the third class, in Logan county, Kansas, with boundaries as described by a plat of the same, duly recorded in the office of the city clerk of said city, is hereby declared legal and valid.

SEC. 2. That all meetings of the mayor and city council of said city of Oakley, held on the fifth day of December, A. D. 1887, and since that time up to and including their meeting held September seventh, A. D. 1888, be and the same are hereby declared to be as valid and legally held as if each and all of said meetings had been regularly appointed and called in every respect as required by law.

SEC. 3. That all the acts done and ordinances passed by the mayor and council of the said city of Oakley at their meetings held on the fifth day of December, A. D. 1887, and between that time and up to and including their meeting held September seventh, A. D. 1888, be and the same are hereby declared to be as valid and binding as if each and all of said

acts had been done and said ordinances had been passed in every respect as prescribed by law.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER VI.

### SALE OF LAND.

AN ACT to legalize the sale of the northeast quarter, the northwest quarter, and the southwest quarter of section 16, in township 35 south, of range 36, west of the sixth P. M.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the sale of the northeast quarter of section 16, in township 35 south, of range 36, west of the sixth principal meridian, to John McCoombs; and the sale of the northwest quarter of said section 16 to Cyrus Frease; and the sale of the southwest quarter of said section 16 to William C. Rathbun, made by the officers of the county of Finney, state of Kansas, on April 27, 1886, be and the same is hereby legalized and made valid.

SEC. 2. That the persons named in section 1 of this act, or their assigns, may pay or cause to be paid the interest and principal on such land to the proper officers, and such officers shall receive the same in all respects as if such sale had been originally valid.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER VII.

## ISSUE OF BONDS FOR KANSAS CITY.

AN ACT to legalize a certain issue of bonds by the Board of Education of the city of Kansas City, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the following issue of bonds by the board of education of the city of Kansas City, Kansas, made under authority of section twenty-four (24), article ten (10), chapter one hundred and twenty-two (122), laws of 1876, being section 5234 of Dassel's Compiled Laws, 1881, for the purpose of borrowing money for the purchase of school sites, erecting school buildings, purchasing school furniture, and paying indebtedness already incurred for such purposes, for the school of said city to wit, a series in the amount of one hundred and twenty-seven thousand dollars, issued under authority of a resolution of said board passed at a regular adjourned meeting held December 17th, A. D. 1888, said bonds bearing date February 1st, 1889, and running twenty years, with interest at the rate of five per cent., are hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER VIII.

## GOVE CITY, GOVE COUNTY.

AN ACT to legalize the organization of the city of Gove City, Gove county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the organization of the city of Gove City, in Gove county, Kansas, as a city of the third class, with boundaries as described by plat of same, duly recorded in the office of the city clerk of said city, is hereby declared legal and valid.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER IX.

## CEDARVALE TOWN COMPANY.

AN ACT to legalize certain conveyances of real estate by the Cedarvale Town Company, of Chautauqua county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all acts of the Cedarvale Town Company, of Chautauqua county, Kansas, in the matter of conveying real estate in the said town of Cedarvale, be and the same is hereby legalized.

SEC. 2. That this act be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER X.

### ELLA CAMERON, ACTING PROBATE JUDGE.

AN ACT to legalize the acts of Ella Cameron, acting as Probate Judge of Rice county, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That any and all acts of Ella Cameron in connection with the administration of the office of probate judge of Rice county, Kansas, during the term of her father, Samuel Cameron, deceased, in said office, be and the same are hereby legalized and made of equal force and validity as though the said acts were done and performed by the said Samuel Cameron as such probate judge.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XI.

## SCHOOL LANDS IN KIOWA COUNTY.

AN ACT to legalize the purchase of and authorize the issue of patents for certain school lands in Kiowa county, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the proceedings, proof and purchase of the south half of section thirty-six, in township twenty-nine south, range eighteen west, in Kiowa county, Kansas, made on the 21st day of April, A. D. 1886, by John B. Page and R. E. Nicklissou, at Coldwater, Comanche county, Kansas; and southwest quarter of section sixteen, in township twenty-seven south, range eighteen west, in Kiowa county, Kansas; and southwest quarter of section sixteen, in township twenty-seven south, range eighteen west, in Kiowa county, Kansas, made on the 13th day of September, A. D. 1886, by John A. Page, at Greensburg, Kiowa county, Kansas; and the east half of the southeast quarter and the east half of the northeast quarter of section thirty-six, in township twenty-seven south, range sixteen west, in Kiowa county, Kansas, made on the 9th day of November, A. D. 1886, by Charles I. Speare, at Greensburg, Kiowa county, Kansas; and the south half of the northwest quarter and the west half of the southwest quarter of section thirty-six, in township twenty-seven south, range sixteen west, in Kiowa county, Kansas, made on the 2d day of October, A. D. 1886, by W. F. Smith, at Greensburg, Kiowa county, Kansas, before the proper officers of said Comanche county and Kiowa county, as provided by law, are hereby made legal and valid.

SEC. 2. That the auditor and governor of the state of Kansas are hereby authorized to issue a patent or patents for said lands described in section one of this act to the parties therein named, or their assigns, as their interests may appear.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XII.

### OSAGE CEMETERY COMPANY, BURLINGAME.

AN ACT to legalize the sale of shares and the purchase and sale of land for cemetery purposes, and to provide for the filing of a new charter by the Osage Cemetery Company, of Burlingame, Osage county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. All acts, orders, resolutions or deeds made, executed or performed by the Osage Cemetery Company, of Burlingame, Osage county, in the purchase of land, the sale of shares, the platting, fencing and ornamenting of the same, are hereby declared to be legal; and all transfers, deeds, or other evidences of title or conveyances made, executed or delivered by the president and secretary, by order of the board of directors, are hereby declared legal and sufficient to convey to the holder thereof a good and sufficient title thereto. That the deed made to the board of directors of the said company for lands purchased since June 17, 1886, shall vest in the Osage Cemetery Company a full and complete title thereto, and all acts done by order of the said company for the purpose of platting the same for cemetery purposes are hereby legalized.

SEC. 2. The Osage Cemetery Company, of Burlingame, Osage county, by its president and board of directors, shall cause to be filed with the secretary of state a charter for the benefit of said company as required by the law of this state governing the filing of charters for cemetery companies, within ninety days from the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XIII.

## PUBLIC HIGHWAYS IN MONTGOMERY COUNTY.

AN Act legalizing certain section-line roads as public highways in Montgomery county, and fixing the width thereof.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all section lines and public roads in Montgomery county that have been worked and improved by the road overseer, and have been traveled and recognized by the public as public highways for five years prior to the taking effect of this act, shall be and are hereby made public highways, the same as though they had been legally created public highways by the board of county commissioners; and that the width of said roads and highways shall not be less than forty feet: *Provided*, That the provisions relative to damages in the general road law shall apply in all cases where damages are claimed under this act.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XIV.

## ELECTION IN CITY OF INDEPENDENCE.

AN Act to legalize an election held in the city of Independence, Montgomery county, Kansas, and to authorize the issue of bonds voted at said election.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The election held in the city of Independence, Montgomery county, Kansas, on the ninth day of March,

1886, to authorize the issue of bonds of said city for the purpose of aiding in the building of a county court house and county jail in said city and county, is hereby legalized; and the mayor and council of said city are hereby authorized and empowered to issue the bonds of said city under terms and conditions of said election, and such bonds when so issued are hereby made valid the same as if they had been issued under all the provisions, restrictions and limitations of the laws governing the voting and issuing of bonds, and the auditor of state is hereby authorized and directed to register such bonds as provided by law.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XV.

### WILLIAM L. DAWSON AND OTHERS—OFFICIAL ACTS.

AN ACT to legalize all the official acts done and performed by William L. Dawson, Probate Judge; Parmenis Smith, Superintendent of Public Instruction; George R. Allman, Clerk of the District Court; and T. J. R. Perry, A. B. Chrysler, Alvin Bennett, Geo. W. McEwing and others, notaries public, all within and for Wallace county, Kansas, during the years 1886, 1887, and 1888.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all the official acts of William L. Dawson, probate judge; Parmenis Smith, superintendent of public instruction; George R. Allman, clerk of the district court; and T. J. R. Perry, A. B. Chrysler, Alvin Bennett, Geo. W. McEwen, and others, notaries public, all within and for Wallace county, Kansas, done and performed during the years 1886, 1887, and 1888, be and the same are hereby legalized and made valid.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XVI.

### J. A. BRANSON, POLICE JUDGE OF CLIFTON.

AN Act to legalize all acts performed by J. A. Branson as Police Judge of the city of Clifton, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all official acts of J. A. Branson, performed as police judge of the city of Clifton, Kansas, be and the same are hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER XVII.

COUNTY COMMISSIONERS OF ELK COUNTY—ROADS AND  
HIGHWAYS.

AN Act to legalize the acts of the board of County Commissioners of Elk county, Kansas, relating to roads and highways.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the acts and proceedings of the board of county commissioners of Elk county, in the state of Kansas, pertaining to the laying out and establishing of roads and highways in said county, be and the same are hereby legalized, and all roads and highways laid out and established by said board are hereby declared to be public highways, notwithstanding any defects, omissions or irregularities in the proceedings of said board in laying out and establishing the same.

SEC. 2. This act shall take effect and be in force from and after its publication in the statutes.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XVIII.

COUNTY COMMISSIONERS OF MORRIS COUNTY—BUILDING  
BRIDGES.

AN Act to legalize the action of the Board of County Commissioners of Morris county, Kansas, in building certain bridges in said county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the action of the board of county commissioners of Morris county, Kansas, in building bridges over Rock creek, Neosho river at Council Grove, and Big John and Monkers creeks, be and the same is hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 12, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER XIX.

### CITY OF TOPEKA, BONDS FOR VIADUCT.

AN Act to legalize and validate the issue of certain bonds by the Mayor and Council of the city of Topeka for the purpose of borrowing money to be used in the construction of approaches to a certain viaduct on Sixth avenue in said city.

WHEREAS, At the election for city officers of the city of Topeka, Kansas, held on the fifth day of April, 1887, there was also submitted to the electors of said city of Topeka a proposition to issue forty thousand dollars of bonds for the purpose of borrowing money to be used in the construction of approaches to a viaduct within said city of Topeka, over the tracks of the Kansas, Nebraska & Dakota railroad company and the Atchison, Topeka & Santa Fe railroad company, on Sixth avenue, in said city of Topeka; and

WHEREAS, The mayor and council of said city were instructed to issue said bonds by two-thirds of all the votes cast at said election; and

WHEREAS, In pursuance of said authority, said mayor and city council have issued forty bonds of the denomination of one thousand dollars each, payable in ten years and bearing interest at the rate of five per cent. per annum; and

WHEREAS, Said mayor and council have duly and regularly let the contract for the construction of the approaches to said viaduct, and the same is now in process of construction, and partly built; and

WHEREAS, The construction of said viaduct is a matter of great public necessity to the city of Topeka, and for the wel-

fare and safety of the inhabitants of said city crossing said railroad tracks: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the action of the mayor and council of said city in issuing said bonds for the purpose of borrowing money to construct said approaches to said viaduct be and the same is hereby in all respects validated, confirmed and made legal, and that the city of Topeka is hereby authorized and directed to pay said bonds at their maturity and their interest coupons as they respectively become due under and in accordance with the provisions of section thirty-eight of chapter thirty-seven of the laws of 1881, being an act entitled "An act to incorporate and regulate cities of the first class, and to repeal all prior acts relating thereto," approved March 4, 1881, as amended by the laws of 1883, 1885, 1886, and 1887. Authorized to pay.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 22, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889. WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER XX.

### GRAHAM AND OTHER COUNTIES—ROADS AND HIGHWAYS.

AN ACT to legalize certain roads and highways in the counties of Graham, Nemaha, Rooks, Smith, Barber, Hodgeman, Phillips, Russell and Sherman, and making the records, surveys and plats thereof evidence of the validity of the same.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all of the roads and highways in the counties of Graham, Nemaha, Rooks, Smith, Barber, Hodgeman, Phillips, Russell and Sherman, in the state of Kansas, as shown by the road records of said counties to have been located and

established by order of the board of county commissioners of said counties, prior to the first day of January, eighteen hundred and eighty-nine (1889), and not vacated by order of said boards of county commissioners, or by statute of limitation or decree of any court of competent jurisdiction, are hereby declared to be legally established roads or highways to the same extent and in all respects as if all the provisions of law relating to notices connected therewith, and the publication and service thereof, had been fully complied with, and that so much of said road records and plats and surveys of roads in the offices of the county clerks of said counties as contain a record of the roads and surveys made therein, and filed and entered of record prior to the first day of January, eighteen hundred and eighty-nine, be and the same are hereby legalized and made valid; and the said records, or properly certified copies of any part thereof, shall henceforth be competent evidence in any of the courts of this state, of the validity and existence of such roads and highways, the same as if a record of the proper notices had been made therein or entered upon the journals of said boards of county commissioners and all the requirements of law otherwise fully complied with, and all the files and papers pertaining to roads in said counties had been preserved and entered of record.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXI.

## WM. MIDDLEKAUFF, A NOTARY PUBLIC.

AN ACT to legalize the acts of Wm. Middlekauff as notary public in and for Grant county, Kansas, from the seventh day of August, 1888, to the 20th day of August, 1888, inclusive.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all the official acts of Wm. Middlekauff, as notary public in and for the county of Grant and state of Kansas, from the seventh day of August, 1888, to the twentieth day of August, 1888, inclusive, be and the same are hereby made legal and valid and of the same force and effect as though done by lawful authority.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.      WILLIAM HIGGINS; *Secretary of State.*

## CHAPTER XXII.

## W. P. ROLLINS, A NOTARY PUBLIC.

AN ACT to legalize all acts performed by W. P. Rollins as a notary public of Osage county, from and after December 22, 1885.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all official acts of W. P. Rollins as a notary public in and for Osage county, Kansas, heretofore performed, be and the same are hereby legalized and confirmed as fully and effectually in all respects as though no political disabilities had existed.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.      WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER XXIII.

### CITY OF ATCHISON—ORDINANCE.

AN Act legalizing an ordinance of the city of Atchison, entitled "An ordinance vacating certain portions of Third street, in the city of Atchison," passed January 15, 1889.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the ordinance of the city of Atchison, in the state of Kansas, passed January 15, 1889, entitled "An ordinance vacating certain portions of Third street, in the city of Atchison," be and the same is hereby legalized and made valid, and that part of Third street in the city of Atchison mentioned and described in said ordinance, is forever vacated as a public street and thoroughfare.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.      WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXIV.

## MAYOR OF GREAT BEND—OFFICIAL ACTS OF.

AN ACT to legalize the official acts of the Mayor of the city of Great Bend in appointing commissioners to survey, plat and apportion said town-site among the occupants, and making deeds of same, and to legalize the acts of said commissioners.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the official acts of A. A. Hurd as mayor of the city of Great Bend, Kansas, in entering section twenty-eight (28), township nineteen (19), range thirteen (13), west of the sixth principal meridian, and appointing commissioners to survey, plat and apportion such town-site among the occupants thereof, and making deeds therefor, be and the same are hereby legalized, in so far as the acts of said mayor were done in accordance with the spirit of the laws of congress in such cases made and provided, and in accordance with the spirit of the laws of Kansas in such cases made and provided.

SEC. 2. That the acts of the commissioners appointed by the mayor of Great Bend, Kansas, to survey, plat and apportion said town-site of the city of Great Bend, Kansas, and making assessments to pay the entry-fee and the expenses of surveying, platting and apportioning the town-site among the occupants thereof, in so far as the acts of said commissioners were performed in accordance with the spirit of the laws of congress in such cases made and provided, and in so far as the acts were performed in accordance with the spirit of the laws of Kansas in such cases made and provided, be and the same are hereby legalized.

SEC. 3. This act shall not apply in any case wherein its application would be inequitable and unjust, nor in any case wherein the spirit of the laws of congress and the laws of the state of Kansas have not been observed in the acts performed by the mayor and the commissioners appointed by such mayor.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1888. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XXV.

### CITY OF FONTANA, INCORPORATION OF.

AN ACT to legalize the incorporation of the city of Fontana, Miami county, Kansas, and to declare said city duly incorporated as a city of the third class.

WHEREAS, In the year 1870, the city of Fontana, in Miami county, Kansas, was duly organized as a city of the third class under and by virtue of chapter 26, Laws of 1869, and maintained said organization as such city until the year 1876, when by reason of fire and other calamities said city organization was not kept up, and no officers were elected to carry on the city government until the year 1881, when an attempt was made to reorganize said city as a city of the third class, since which time there has been an annual election of officers for said city who have exercised the functions of their respective offices, and said city now has a full quota of city officers, exercising the rights of such officers; and

WHEREAS, No scrip, bonds, nor other evidences of indebtedness have been issued, nor are now outstanding against said city, and whereas the proceedings had in said organization, together with all the books, papers and other records, have been destroyed by fire, and no record can be obtained of the proceedings of the organization of such city as a city of the third class: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

The acts of.

SECTION 1. That all the acts and proceedings had in the organization of said city of Fontana as a city of the third class are hereby legalized; and said city of Fontana, with boundaries as designated on the recorded plat of said city now on file in the office of register of deeds of Miami county Kansas, is hereby declared a legally incorporated city of the



third class; and the officers of said city chosen at the last regular election of said city are hereby declared the legal officers of such city for the term for which they were elected.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XXVI.

### LECOMPTON—ELECTION AND ACTS OF COMMON COUNCIL.

AN ACT to legalize the election and acts of the Common Council of the city of Leocompton.

*Be it enacted by the Legislature of the State of Kansas.*

SECTION 1. That the election of city officers by the electors of the city of Leocompton, in the county of Douglas and state of Kansas, held on the eighth day of June, A. D. 1888, is hereby declared to be legal, and the persons then elected to have full right and are duly authorized to discharge their several duties, by virtue of such election, as officers of a city of the third class, as prescribed by the laws of the state of Kansas and as prescribed by the act of the territorial legislature of the territory of Kansas, approved February 11, 1858, incorporating the city of Leocompton.

SEC. 2. This act to be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XXVII.

## CITY OF JETMORE, VACATING CERTAIN ALLEY.

AN ACT to legalize an action of the Board of Commissioners of Hodgeman county, in vacating a portion of a certain alley in the town (now city) of Jetmore.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The action of the board of county commissioners of Hodgeman county, in vacating eighty-six (86) feet of the north end of the alley running north and south through block thirteen (13) in the town (now city) of Jetmore, is and the same is hereby legalized, and the above-named portion of said alley is vacated, as declared by said commissioners.

SEC. 2. This act shall be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXVIII.

## CITY OF ATTICA—ISSUE OF WATER-WORKS BONDS.

AN ACT to legalize the issue of water-works bonds authorized by vote of the electors of the city of Attica, Harper county, held on December 15, 1888.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the bonds issued by the city of Attica, Harper county, Kansas, on the first day of January, 1889, by authority of an election held in said city on Saturday, the fifteenth day of December, 1888, in the sum of twenty thousand dollars, for the purpose of constructing a system of water

works in said city, be and the same is hereby declared legal and valid.

SEC. 2. This act shall be in force and take effect from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XXIX.

### ADULTERATION OF FOOD AND DRUGS.

AN ACT to provide against the adulteration of food and drugs.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That no person shall within this state manufacture for sale, offer for sale, or sell, any drug or article of food which is adulterated within the meaning of this act. No person shall.

SEC. 2. The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed, or compound. The term food used.

SEC. 3. An article shall be deemed to be adulterated within the meaning of this act—First, In case of drugs, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein. Second, If, when sold under or by a name not recognized in the United States Pharmacopœia, or other standard work of materia medica, it differs materially from the standard of strength, quality or purity laid down in such work. Third, If its strength, quality or purity falls below the professed standard under which it is sold. In the case of food: First, If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength, or purity. Second, If any inferior or cheaper substance or substances have been substituted Strength, quality or purity.

wholly or in part for it. Third, If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. Fourth, If it is an imitation of or is sold under the name of another article. Fifth, If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal. Sixth, If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better, or of greater value than it really is. Seventh, If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredients not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

If colored, coated  
or.

Shall furnish.

SEC. 4. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for analysis, of any such drug or article of food which is in his possession.

Whoever refuses  
to.

SEC. 5. Whoever refuses to comply upon demand with the requirements of section four, or whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisonment not exceeding one hundred days nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling any adulterated article of food or drug under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been guilty of manufacturing, selling, or offering for sale.

SEC. 6. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 7. This act shall be in force and take effect from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XXX.

### DESTITUTE INSANE.

AN Act making appropriations to pay the several counties of the state the expenses incurred in the maintenance of destitute insane persons, for deficiencies from the fiscal years ending June thirtieth, eighteen hundred and eighty-six, June thirtieth, eighteen hundred and eighty-seven, June thirtieth, eighteen hundred and eighty-eight, and for the fiscal years ending June thirtieth, eighteen hundred and ninety and June thirtieth, eighteen hundred and ninety-one.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That for the purpose of paying to the several counties of the state the expenses incurred by such counties for the maintenance of destitute insane persons as provided for by chapter eighty-three of the laws of eighteen hundred and seventy-six, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of fourteen thousand and ninety-three and twenty-seven one-hundredths dollars, said sum to cover all claims presented as deficiencies for the fiscal years eighteen hundred and eighty-six, eighteen hundred and eighty-seven, eighteen hundred and eighty-eight. And the further sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the payment to the several counties of the state for the support of destitute insane persons, as hereinbefore provided during the fiscal year ending June thirtieth, eighteen hundred and ninety; and the further sum of fifteen thousand dollars, or so much thereof as may be

necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the payment to the several counties of the state for the support of destitute insane persons, as hereinbefore provided, during the fiscal year ending June thirtieth, eighteen hundred and ninety-one.

SEC. 2. The auditor of the state is hereby authorized to draw his warrants on the treasurer of state for so much of these appropriations as may be necessary for the purposes specified in section one of this act: *Provided*, That no claim shall be audited or allowed, unless an itemized statement of all expenses incurred by such county's support of such insane persons shall be presented to the auditor of state, properly verified by affidavit in writing, stating that said claim is just and correct, and that application has been made to the superintendent of some one or more of the insane asylums of this state for admission of such insane persons therein, and that such admission has been refused; and said affidavit and statement shall be accompanied by the certificate of the superintendent of such insane asylum or asylums, stating the time said application was made and refused, and the reasons for such refusal.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XXXI.

## LEGISLATIVE EXPENSES.

AN ACT making appropriations for legislative department, enrolling clerks, committee clerks, postage for members of both houses and Lieutenant-Governor, and expenses incident to the general session of the Legislature of eighteen hundred and eighty-nine.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purposes hereinafter provided: For payment of per diem and mileage of the members of the legislature, lieutenant-governor and chaplain of both houses, for per diem of officers, clerks and messengers of both houses, and for per diem of enrolling clerks at the rate of three dollars per day, the sum of thirty thousand dollars; for postage for members of both houses and lieutenant-governor, one thousand six hundred and eighty dollars, as provided in house concurrent resolution No. two.

SEC. 2. That the foregoing, or so much thereof as may be necessary, shall be paid in proportion to the services rendered, at the rate allowed by law; and the auditor of state is hereby authorized to issue his warrants upon the treasurer of state for the amount specified in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved January 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Jan. 22, 1889.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXXII.

## LEGISLATIVE DELEGATES.

AN ACT making appropriation of three thousand dollars for the payment of mileage and per diem of nineteen delegates to the House of Representatives of 1889, from counties organized since the last apportionment.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the sum of three thousand dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of per diem and mileage of the nineteen delegates from the counties organized since the last apportionment, viz.: H. D. Benston, of Cheyenne county; W. M. Speck, of Garfield county; J. W. Campbell, of Gove county; Edward Patton, of Grant county; H. B. Bardon, of Gray county; B. M. Chambers, of Greeley county; S. P. Axtell, of Haskell county; Percy Russell, of Kearney county; D. R. Green, of Kiowa county; B. H. Tracy, of Lane county; R. I. Rea, of Logan county; B. C. Mitchell, of Morton county; S. W. Case, of Scott county; W. H. Day, of Seward county; E. F. Murphy, of Sherman county; M. P. Julian, of Stanton county; A. S. Beeler, of Stevens county; E. A. Doering, of Wallace county; C. S. Triplett, of Wichita county.

SEC. 2. That the foregoing, or so much thereof as may be necessary, shall be paid as provided in this bill, and the auditor of state is hereby authorized to issue his warrants upon the treasurer of the state for the amount specified in section 1 of this act.

SEC. 3. This act shall fix the per diem of said delegates at three dollars per day and fifteen cents per mile by the route necessarily traveled, but in no case shall the aggregate amount of per diem be over one hundred and fifty dollars to any delegate.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved January 29, 1889.

I hereby certify that the foregoing is a true and correct



copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Jan. 30, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XXXIII.

## LEGISLATIVE DELEGATES.

AN Act making an appropriation for the per diem and mileage of delegates in the House of Representatives.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the sum of two thousand three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for per diem and mileage of delegates to the legislature of 1889: *Provided*, That the amount due the late S. W. Case be paid to his widow, on a voucher to be executed by her.

SEC. 2. The auditor of state is hereby authorized to issue his warrant on the treasurer of state for the amounts and purposes specified in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XXXIV.

## POSTAGE FOR DELEGATES.

AN ACT making an appropriation to pay for postage stamps furnished delegates to the Legislature of 1889.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to Wm. Higgins, secretary of state, to pay for postage stamps furnished the delegates to the legislature of 1889, the sum of one hundred and ninety dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrant on the treasurer of state for the purposes and amounts specified in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXXV.

## ASYLUM FOR THE BLIND.

AN ACT making appropriation for the current support of the Institution for the Education of the Blind for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the current support of the Institution for the Education of the

Blind, for the fiscal year ending June 30, 1890: For maintenance and repairs, pay of officers, teachers and employes, twenty thousand dollars. For the fiscal year ending June 30, 1891: For maintenance and repairs, pay of officers, teachers and employes, twenty thousand dollars: *Provided*, That the superintendent shall not receive more than one thousand dollars per annum for his services, and that the matron shall not receive more than three hundred dollars per year for her services.

SEC. 2. The auditor of state is hereby authorized to draw his warrants upon the treasurer of state for the purposes and amounts specified in the first section of this act, upon proper vouchers, verified by affidavit, duly approved by the board of trustees having charge of the management of said institution.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XXXVI.

### ASYLUM FOR THE DEAF AND DUMB.

AN ACT making appropriation for the current expenses of the Institution for the Education of the Deaf and Dumb for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the Institution for the Education of the Deaf and Dumb: For the fiscal year ending June 30, 1890, for maintenance and repairs, pay of officers, teachers and employes, forty-four thousand dollars; for the fiscal year ending June 30, 1891,

for maintenance and repairs, pay of officers, teachers and employés, forty-six thousand dollars.

SEC. 2. That the auditor of state is hereby authorized to draw his warrants on the treasurer of state for the purposes and amounts specified in section one of this act, upon vouchers verified by affidavit, and duly approved by the board of trustees having charge of the management of said institution.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXXVII.

### ASYLUM FOR FEEBLE-MINDED YOUTH.

AN ACT making an appropriation for the current expenses of the Asylum for Feeble-Minded Youth for the fiscal years ending June 30th, 1890, and June 30th, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the current support of the Asylum for Feeble-Minded Youth: For the fiscal year ending June 30th, 1890, for maintenance and repairs, pay of officers, teachers and employés, twenty-one thousand two hundred seventy-four and  $\frac{28}{100}$  dollars; for the fiscal year ending June 30th, 1891, for maintenance and repairs, pay of officers, teachers and employés, twenty-one thousand two hundred seventy-four and  $\frac{28}{100}$  dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the purposes and amounts specified in the first section of this act, upon vouchers verified by affidavit and duly approved by the board of trustees having charge of the management of said asylum.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XXXVIII.

### REFORM SCHOOL.

AN ACT making appropriation for the current expenses of the Reform School for the fiscal years ending June 30th, 1890, and June 30th, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of fifteen hundred dollars for erecting and furnishing a hospital at the reform school for boys, this to be available on the taking effect of this act.

SEC. 2. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the Reform School: For the fiscal year ending June 30th, 1890, for maintenance and repairs, pay of officers, teachers and employes, twenty-six thousand eight hundred and ninety-three dollars; for the fiscal year ending June 30th, 1891, for maintenance and repairs, pay of officers, teachers and employes, twenty-six thousand eight hundred and ninety-three dollars.

SEC. 3. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the purposes and amounts specified in section one of this act, upon proper vouchers, verified by affidavit and duly approved by the board of trustees having charge of the management of said Reform School.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XXXIX.

### ASYLUM FOR INSANE, OSAWATOMIE.

AN ACT making appropriation for the current expenses of the Osawatomie Insane Asylum for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the Osawatomie Insane Asylum: For the fiscal year ending June 30, 1890, for maintenance and repairs, fifty-two thousand five hundred dollars; for pay of officers and employes, thirty thousand dollars. For the fiscal year ending June 30, 1891, for maintenance and repairs, fifty-two thousand five hundred dollars; for pay of officers and employes, thirty thousand dollars: *Provided*, The pay of the steward shall not exceed seventy-five dollars per month.

SEC. 2. The auditor of state is hereby authorized to draw his warrants upon the treasurer of state for the several sums and purposes specified in accordance with the provisions of law regulating the insane asylum, and the expenditures thereof.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XL.

## DEAF AND DUMB, GRADING, ETC.

AN ACT making appropriation to the Institution for the Education of the Deaf and Dumb, at Olathe, for grading and macadamizing and for the library, for the fiscal year ending June 30, 1890.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, for the fiscal year ending June 30, 1890, for the purpose of grading and macadamizing the street in front of the grounds used and owned by the state, for the Institution for the Education of the Deaf and Dumb, at Olathe.

SEC. 2. The board of trustees of state charitable institutions are empowered to make all necessary contracts for the grading and macadamizing the street abutting the land of the Institution for the Education of the Deaf and Dumb, at Olathe, Kansas: *Provided*, The city of Olathe shall so macadamize said street up to the land of the state. The said board of trustees of state charities shall advertise for bids, and let the same to the lowest responsible bidder, taking sufficient bond and security to indemnify the state against loss.

SEC. 3. That the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated: For the fiscal year ending June 30, 1890, for a library at said institution, the sum of five hundred dollars.

SEC. 4. The auditor of state, is authorized to draw his warrant on the treasurer of state, upon itemized vouchers sworn to by the person entitled thereto, and approved by the trustees of the board of state charitable institutions; vouchers to be made in duplicate, one filed with the auditor of state and one kept by said board of trustees at the Institution for Education of Deaf and Dumb at Olathe, Kansas.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XLI.

### INDUSTRIAL SCHOOL FOR GIRLS.

AN ACT making appropriation for the current expenses of the State Industrial School for Girls, at Beloit, for the fractional year ending June 30, 1889, and the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State Industrial School for Girls, at Beloit: For the fractional fiscal year ending June 30, 1889, for care and maintenance, and for pay of officers, teachers and employés, the sum of one thousand dollars. For the fiscal year ending June 30, 1890, for care and maintenance, and for pay of officers, teachers and employés, the sum of six thousand dollars. For the fiscal year ending June 30, 1891, for care and maintenance, and for pay of officers, teachers and employés, the sum of six thousand dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrant upon the treasurer of state for the purposes and amounts specified in the first section of this act, upon proper vouchers duly verified by affidavit and approved by the board of trustees having charge of the management of said institution.

SEC. 3. This act shall take effect and be in force from and after its publication once in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER XLII.

## STATE NORMAL SCHOOL.

AN ACT making appropriations to the State Normal School for the fractional fiscal year ending June 30, 1889, and the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated to the State Normal School out of any money in the state treasury not otherwise appropriated, to be expended under the direction of the board of regents thereof, as follows:

For the fractional fiscal year ending June 30, 1889, for fuel, five hundred dollars; for water and gas, one hundred and fifty dollars.

For fiscal year ending June 30, 1890, for fuel, fifteen hundred dollars; for water and gas, four hundred and seventy-five dollars; for library and reading room, five hundred dollars; for apparatus, five hundred dollars; for natural history museum, five hundred dollars; for cases for natural history museum, five hundred dollars; for supplies for drawing department, one hundred dollars; for repairs on building and grounds, three hundred dollars; for additional furniture, five hundred dollars; for apparatus for elementary work in manual training, three hundred dollars.

For fiscal year ending June 30, 1891, for painting building and fence, three hundred dollars; for library and reading room, five hundred dollars; for apparatus, five hundred dollars; for natural history museum, five hundred dollars; for supplies for drawing department, one hundred dollars; for fuel, fifteen hundred dollars; for water and gas, four hundred and seventy-five dollars; for repairs on building, two hundred and fifty dollars; for additional furniture, two hundred and fifty dollars.

SEC. 2. The auditor of state is hereby authorized to issue warrants upon the state treasurer in favor of the parties to whom any of the funds appropriated in section one of this act may be due, upon filing with him a detailed statement of materials furnished, labor or service performed, duly sworn to

by the parties claiming the same, and approved by the board of regents of the school.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XLIII.

### STATE AGRICULTURAL COLLEGE.

AN ACT making appropriations to the Kansas State Agricultural College for the fiscal years ending June 30, 1889, June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary for the purposes named, are hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used under the direction of the board of regents of the Kansas State Agricultural College for the years ending June 30, 1889, June 30, 1890, and June 30, 1891:

For the fiscal year ending June 30, 1889: For incidental expenses incurred in care of funds for the two years ending June 30, 1888, one hundred and seventy-five and ninety one-hundredths dollars; for the construction of a water system with sewers, three thousand dollars.

For the fiscal year ending June 30, 1890: For addition to the library, one thousand dollars; for general repairs of buildings, one thousand dollars; for special repairs of dwelling of farm superintendent, two hundred dollars; for repairs and extension of steam-heating apparatus, two hundred dollars; for furniture in class rooms, halls and offices, five hundred dollars; for fencing and tools in farm department, two hundred dollars; for chemical apparatus and mineral collection,

four hundred dollars; for surveying instruments in mathematical department, five hundred dollars; for furniture and apparatus in department of industrial art and designing, six hundred dollars; for tools and models in mechanical department, two hundred dollars; for type, cases and apparatus in printing department, two hundred and fifty dollars; for apparatus in department of physics, five hundred dollars; for apparatus in department of physiology and veterinary science, two hundred and fifty dollars; for water supply, three hundred dollars; for salary of loan commissioner, three hundred dollars; for barn and tool house, horticultural department, one thousand dollars; to pay freight and hauling on coal to be supplied by the warden of the state penitentiary, upon requisition of the president of the agricultural college, fifteen hundred dollars.

For the fiscal year ending June 30, 1891: For additions to the library, one thousand dollars; for cases and collections for the general museum, five hundred dollars; for general repairs of buildings, one thousand dollars; for repairs and additions to heating and lighting apparatus, two hundred dollars; for furniture in class rooms, halls and offices, five hundred dollars; for fencing and tools in farm department, two hundred dollars; for chemical apparatus and mineral collections, three hundred dollars; for tools, cases and apparatus in horticultural department, five hundred dollars; for tools and models in mechanical department, two hundred dollars; for type, cases and apparatus in printing department, two hundred and fifty dollars; for apparatus in department of physics, five hundred dollars; for water supply, three hundred dollars; for salary of loan commissioner, three hundred dollars; to pay freight and hauling on coal to be supplied by the warden of the state penitentiary, upon requisition of the president of the agricultural college, fifteen hundred dollars.

SEC. 2. The several amounts appropriated by section one of this act shall not be used for any other purposes than those named; and the regents of the college shall in their report set forth an itemized statement of each expenditure under the provisions of this act.

SEC. 3. The auditor of state is hereby authorized to draw his warrants upon the treasurer of state for the purposes and amounts specified in section one of this act, or so much thereof

as may be necessary to liquidate any indebtedness provided for in this act.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XLIV.

### PENITENTIARY.

AN ACT making appropriations for the State Penitentiary for the fiscal years ending June 30, 1890, and June 30, 1891, for contingent fund for the State Penitentiary for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, to the state penitentiary:

| No.       | For what purposes.                         | 1890.      | 1891.      |
|-----------|--------------------------------------------|------------|------------|
| SALARIES. |                                            |            |            |
| 1.        | Warden.....                                | \$2,000 00 | \$2,000 00 |
| 2.        | Deputy warden.....                         | 1,200 00   | 1,200 00   |
| 3.        | Clerk.....                                 | 1,200 00   | 1,200 00   |
| 4.        | Physician.....                             | 1,500 00   | 1,500 00   |
| 5.        | Chaplain.....                              | 1,000 00   | 1,000 00   |
| 6.        | Storekeeper.....                           | 720 00     | 720 00     |
| 7.        | Engineer.....                              | 1,200 00   | 1,200 00   |
| 8.        | First assistant engineer.....              | 900 00     | 900 00     |
| 9.        | Second assistant engineer.....             | 720 00     | 720 00     |
| 10.       | Turnkey.....                               | 600 00     | 600 00     |
| 11.       | First assistant turnkey.....               | 500 00     | 500 00     |
| 12.       | Second assistant turnkey.....              | 500 00     | 500 00     |
| 13.       | Superintendent of clothing department..... | 600 00     | 600 00     |
| 14.       | Messenger.....                             | 500 00     | 500 00     |
| 15.       | Steward.....                               | 500 00     | 500 00     |
| 16.       | Assistant steward.....                     | 500 00     | 500 00     |
| 17.       | Superintendent of buildings.....           | 720 00     | 720 00     |

| No.                                      | For what purposes.                                                 | 1890.      | 1891.      |
|------------------------------------------|--------------------------------------------------------------------|------------|------------|
| <b>SALARIES.</b>                         |                                                                    |            |            |
| 18.                                      | Superintendent of masonry.....                                     | \$720 00   | \$720 00   |
| 19.                                      | Yardmaster.....                                                    | 600 00     | 600 00     |
| 20.                                      | Matron.....                                                        | 500 00     | 500 00     |
| 21.                                      | Assistant matron.....                                              | 400 00     | 400 00     |
| 22.                                      | Eighteen officers, at \$500 each.....                              | 9,000 00   | 9,000 00   |
| 23.                                      | Eighteen guards, at \$400 each.....                                | 7,200 00   | 7,200 00   |
| 24.                                      | Seven night watchmen, at \$500 each.....                           | 3,500 00   | 3,500 00   |
| 25.                                      | Farmer.....                                                        | 500 00     | 500 00     |
| 26.                                      | Officer in insane ward.....                                        | 500 00     | 500 00     |
| 27.                                      | Board for 1,000 convicts and employes, at<br>15 cents per day..... | 54,750 00  | 54,750 00  |
| 28.                                      | Material for clothing and shoes, at \$11 per<br>capita.....        | 9,900 00   | 9,900 00   |
| 29.                                      | Bedding.....                                                       | 1,650 00   | 1,650 00   |
| 30.                                      | Convict earnings as provided by law.....                           | 9,500 00   | 9,500 00   |
| 31.                                      | Keepers' uniforms, as provided by law.....                         | 1,800 00   | 1,800 00   |
| 32.                                      | Wood and coke for bake-ovens and cooking<br>ranges.....            | 700 00     | 700 00     |
| 33.                                      | Medicine and hospital supplies.....                                | 1,000 00   | 1,000 00   |
| 34.                                      | Sanitary supplies.....                                             | 1,400 00   | 1,400 00   |
| 35.                                      | Tobacco for convicts.....                                          | 1,500 00   | 1,500 00   |
| 36.                                      | Library books.....                                                 | 200 00     | 200 00     |
| 37.                                      | School books.....                                                  | 200 00     | 200 00     |
| 38.                                      | Stationery and stamps for prisoners.....                           | 500 00     | 500 00     |
| 39.                                      | Stationery and books for office.....                               | 250 00     | 250 00     |
| 40.                                      | Advertising and printing.....                                      | 350 00     | 350 00     |
| 41.                                      | Lighting.....                                                      | 1,200 00   | 1,200 00   |
| 42.                                      | Kitchen and dining-room furniture.....                             | 600 00     | 600 00     |
| 43.                                      | Stoves and ranges.....                                             | 400 00     | 400 00     |
| 45.                                      | Cell furniture.....                                                | 300 00     | 300 00     |
| 46.                                      | Machinery repairs.....                                             | 1,000 00   | 1,000 00   |
| 47.                                      | Machinery oils.....                                                | 400 00     | 400 00     |
| 48.                                      | Feeding and shoeing stock.....                                     | 1,500 00   | 1,500 00   |
| 49.                                      | Rewards, freights, and incidentals.....                            | 1,400 00   | 1,400 00   |
| 50.                                      | Discharged-convict clothing.....                                   | 1,000 00   | 1,000 00   |
| 51.                                      | Repairs on steam-heating apparatus.....                            | 500 00     | 500 00     |
| 52.                                      | Water pipe and cistern repairs.....                                | 400 00     | 400 00     |
| 53.                                      | Repairs for shops and outbuildings.....                            | 1,000 00   | 1,000 00   |
| 54.                                      | Carpenter shop and repairs.....                                    | 500 00     | 500 00     |
| 55.                                      | Telephones.....                                                    | 175 00     | 175 00     |
| 56.                                      | Paint.....                                                         | 500 00     | 500 00     |
| 57.                                      | Harness leather, and harness repairs.....                          | 200 00     | 200 00     |
| 58.                                      | Repairs on boilers.....                                            | 450 00     | 450 00     |
| 59.                                      | Hose.....                                                          | 400 00     | 400 00     |
| 60.                                      | Rebuilding barn destroyed by fire.....                             | 500 00     |            |
| <b>SALARIES FOR COAL-SHAFT EMPLOYÉS.</b> |                                                                    |            |            |
| 61.                                      | Superintendent.....                                                | \$2,000 00 | \$2,000 00 |
| 62.                                      | Engineer.....                                                      | 1,080 00   | 1,080 00   |
| 63.                                      | Assistant engineer.....                                            | 800 00     | 800 00     |
| 64.                                      | Pit boss.....                                                      | 900 00     | 900 00     |
| 65.                                      | Two pit and fire bosses at \$720 each.....                         | 1,440 00   | 1,440 00   |

| No.                                                | For what purposes.                                                          | 1890.      | 1891.      |
|----------------------------------------------------|-----------------------------------------------------------------------------|------------|------------|
| <b>SALARIES FOR COAL-SHAFT EMPLOYÉS—concluded.</b> |                                                                             |            |            |
| 66.                                                | Weigh clerk.....                                                            | \$800 00   | \$800 00   |
| 67.                                                | Fourteen mine officers at \$600 each.....                                   | 8,400 00   | 8,400 00   |
| 68.                                                | One top officer and one bottom officer, \$720 each.....                     | 1,440 00   | 1,440 00   |
| 69.                                                | One shipping clerk.....                                                     | 720 00     | 720 00     |
| <b>SUPPLIES, ETC., FOR COAL SHAFT.</b>             |                                                                             |            |            |
| 70.                                                | Lumber.....                                                                 | \$1,000 00 | \$1,000 00 |
| 71.                                                | Pit posts.....                                                              | 1,000 00   | 1,000 00   |
| 72.                                                | Ties.....                                                                   | 600 00     | 600 00     |
| 73.                                                | Iron.....                                                                   | 700 00     | 700 00     |
| 74.                                                | Steel.....                                                                  | 200 00     | 200 00     |
| 75.                                                | Railroad iron.....                                                          | 2,000 00   | 2,000 00   |
| 76.                                                | Railroad spikes.....                                                        | 180 00     | 180 00     |
| 77.                                                | Nails and spikes.....                                                       | 100 00     | 100 00     |
| 78.                                                | Wire ropes.....                                                             | 720 00     | 720 00     |
| 79.                                                | Nuts.....                                                                   | 50 00      | 50 00      |
| 80.                                                | Rivets.....                                                                 | 20 00      | 20 00      |
| 81.                                                | Powder.....                                                                 | 200 00     | 200 00     |
| 82.                                                | Fuse.....                                                                   | 50 00      | 50 00      |
| 83.                                                | Candle wick.....                                                            | 100 00     | 100 00     |
| 84.                                                | Miners' hand safety lamps.....                                              | 150 00     | 150 00     |
| 85.                                                | Miners' pick-handles.....                                                   | 150 00     | 150 00     |
| 86.                                                | Dirt shovels.....                                                           | 200 00     | 200 00     |
| 87.                                                | Grease.....                                                                 | 200 00     | 200 00     |
| 88.                                                | Miners' oil and machinery oil.....                                          | 3,000 00   | 3,000 00   |
| 89.                                                | Car wheels and boxes.....                                                   | 450 00     | 450 00     |
| 90.                                                | Fire brick.....                                                             | 150 00     | 150 00     |
| 91.                                                | Caps and fuse.....                                                          | 100 00     | 100 00     |
| 92.                                                | Repairs for boilers.....                                                    | 250 00     | 250 00     |
| 93.                                                | Repairs for engines.....                                                    | 500 00     | 500 00     |
| 94.                                                | Coal picks.....                                                             | 500 00     | 500 00     |
| 95.                                                | Royalty on coal.....                                                        | 4,000 00   | 4,000 00   |
| 96.                                                | Cell-house, unexpended appropriation of 1888, re-appropriated for 1891..... |            | 13,129 49  |
| 97.                                                | Cell-house, unexpended appropriation of 1889, to be extended to 1890.....   |            | .....      |
| 98.                                                | Pump and boiler water works.....                                            | 2,500 00   | .....      |
| 99.                                                | Two boilers, insane ward.....                                               | 1,500 00   | .....      |
| 100.                                               | Laundry machines.....                                                       | 1,200 00   | .....      |
| <b>COAL SHAFT.</b>                                 |                                                                             |            |            |
| 101.                                               | Two boilers.....                                                            | 1,000 00   |            |

SEC. 2. The auditor of the state is hereby authorized to issue his warrant upon the treasurer of the state for the amounts and purposes specified in section one of this act, or so much thereof as may be necessary to liquidate all such accounts as may be presented to him, in accordance with section seventeen of "An act in relation to the penitentiary," approved March third, eighteen hundred and sixty-eight.

SEC. 3. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, to the state penitentiary, to be known as a contingent fund, to wit: For the fiscal year ending June 30, 1890, ten thousand dollars; for the fiscal year ending June 30, 1891, ten thousand dollars.

SEC. 4. In case of any unforeseen reason specific appropriation should become exhausted, or for any other extraordinary reason it should become necessary to make an expenditure of money for the benefit of the penitentiary or its appurtenances, the warden of the penitentiary shall make an estimate for the sum, minutely stating the purposes for which the money estimated is to be expended. Such estimate and statement shall be submitted to the board of directors of the penitentiary, and if approved by said board of directors, such estimate, with the statement for what purposes the money is to be expended, thus approved by the state board of directors, shall be submitted to the executive council of the state at any regular or special meeting thereof, and if approved by said executive council the auditor of state shall issue his warrant upon the treasurer of the state for amount estimated, for the warden, and the treasurer shall pay the warrant out of the contingent fund appropriated in section three of this act; but such money shall be expended for no other purpose than that which is designated in the estimate upon which the auditor draws his warrant.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 26, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XLV.

## INSANE ASYLUM, TOPEKA.

AN ACT making appropriation for the current expenses of the Topeka Insane Asylum, for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the Topeka Insane Asylum: For the fiscal year ending June 30, 1890, for maintenance and repairs, seventy-eight thousand dollars; for pay of officers and employes, forty-two thousand dollars. For the fiscal year ending June 30, 1891, for maintenance and repairs, seventy-eight thousand dollars; for pay of officers and employes, forty-two thousand dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the several sums and purposes specified in accordance with the provisions of law regulating the Insane Asylum and the expenditures thereof.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State.*



## CHAPTER XLVI.

## STATE HORTICULTURAL SOCIETY.

AN Act making appropriation to the State Horticultural Society for the publication of their reports, and for the expenses of the Society for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purposes hereinafter stated. For the fiscal year ending June 30, 1890: Salary of secretary, one thousand dollars; freight charges, thirty-five dollars; expenses of board, one hundred dollars; traveling expenses of secretary, one hundred dollars; postage for circulars, correspondence, and single copies of reports, three hundred dollars: *Provided*, That 5,000 copies of the biennial reports of the state horticultural society shall be printed by the state printer, and bound as the report of 1883 was bound, at a rate not to exceed 80 cents per volume. For the fiscal year ending June 30, 1891: Salary of secretary, one thousand dollars; freight charges, thirty-five dollars; expenses of board, one hundred dollars; traveling expenses of secretary, one hundred dollars; postage for circulars, correspondence, and single copies of reports, three hundred dollars; expressage on horticultural reports, etc., four hundred dollars: *Provided*, That 5,000 copies of the biennial reports of the state horticultural society shall be printed by the state printer, and bound as the report of 1883 was bound, at a rate not to exceed 80 cents per volume.

SEC. 2. The auditor of state is hereby authorized to issue his warrants on the treasurer of state for the purposes and amounts specified in section 1 of this act, upon vouchers of said society.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XLVII.

## SOLDIERS' ORPHANS' HOME.

AN ACT to provide for the current support of the Soldiers' Orphans' Home for the fractional fiscal year ending June 30, 1889, and for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the fractional fiscal year ending June 30, 1889: Salary of superintendent, four hundred dollars; salary of matron, one hundred and thirty-three dollars and thirty-three cents; salary of physician, sixty-six dollars and sixty-six cents; salary of chaplain, sixty-six dollars and sixty-six cents; salary of governess, one hundred and ten dollars; salary for supervisors, one hundred and forty dollars; salary of assistant supervisor, one hundred and ten dollars; salary of teacher, one hundred and ten dollars; salary of teacher, one hundred and ten dollars; salary of engineer, one hundred and sixty dollars; salary of seamstress, one hundred and forty dollars; salary of nurse, sixty-four dollars; salary of gardener and assistant fireman, one hundred and twenty dollars; salary of night fireman and teamster, one hundred and twenty dollars; salary of cook, eighty dollars; salary of baker, eighty dollars; salary of laundress, sixty-four dollars; salary of laundress, sixty-four dollars; salary for woman of all work, sixty-four dollars; salary for two dining-room attendants and chambermaids, ninety-six dollars; amount necessary for food and clothing, twenty-five hundred dollars; for fencing, two hundred dollars; for setting out fruit trees and small fruits, one hundred dollars; amount necessary for freight and cartage on coal, two hundred and thirty-two dollars; amount necessary for lighting building, one hundred and seventy-four dollars; amount necessary for incidental expenses and repairs, four hundred and twenty-three dollars and fifty cents.

For the fiscal year ending June 30, 1890: Salary for superintendent, one thousand dollars; salary of matron, three hundred dollars; salary of physicians, two hundred dollars;

salary of chaplain, two hundred dollars; salary of governess, three hundred and thirty dollars; salary of supervisor, four hundred and twenty dollars; salary of assistant supervisor, three hundred and thirty dollars; salary of teacher, three hundred and thirty dollars; salary of teacher, three hundred and thirty dollars; salary of teacher, three hundred and thirty dollars; salary of engineer, four hundred and eighty dollars; salary of two seamstresses, four hundred and thirty-two dollars; salary of nurse, one hundred and ninety-two dollars; salary of gardener and assistant firemen, three hundred and sixty dollars; salary of night fireman and teamster, three hundred and sixty dollars; salary of cook, two hundred and forty dollars; salary of baker, two hundred and forty dollars; salary of laundress, one hundred and ninety-two dollars; salary of laundress, one hundred and ninety-two dollars; salary of woman of all work, one hundred and ninety-two dollars; salary of two dining-room attendants and chambermaids, two hundred and eighty-eight dollars; amount necessary for food and clothing, seventy-five hundred dollars; amount necessary for freight and cartage on coal, six hundred and fifty dollars; amount necessary for lighting building, five hundred and fifty dollars; amount necessary for incidental expenses and repairs, eight hundred and forty-seven dollars; for farm, barn and garden, eight hundred dollars; for medical supplies, seventy-five dollars; for school books and school supplies, two hundred dollars; for furniture and household, three hundred dollars; for extraordinary improvements or repairs, five hundred dollars.

For the fiscal year ending June 30, 1891: Salary of superintendent, one thousand dollars; salary of matron, three hundred dollars; salary of physician, two hundred dollars; salary of chaplain, two hundred dollars; salary of governess, three hundred and thirty dollars; salary of supervisor, four hundred and twenty dollars; salary of assistant supervisor, three hundred and thirty dollars; salary of teacher, three hundred and thirty dollars; salary of teacher, three hundred and thirty dollars; salary of teacher, three hundred and thirty dollars; salary of engineer, four hundred and eighty dollars; salary of two seamstresses, four hundred and thirty-two dollars; salary of nurse, one hundred and ninety-two dollars; salary of gardener and assistant fireman, three hundred and

sixty dollars; salary of night fireman and teamster, three hundred and sixty dollars; salary of cook, two hundred and forty dollars; salary of baker, two hundred and forty dollars; salary of laundress, one hundred and ninety-two dollars; salary of laundress one hundred and ninety-two dollars; salary of woman of all work, one hundred and ninety-two dollars; salary of two dining attendants and chambermaids, two hundred and eighty-eight dollars; amount necessary for food and clothing, seventy-five hundred dollars; amount necessary for freight and cartage on coal, six hundred and fifty dollars; amount necessary for lighting building, five hundred and fifty dollars; amount necessary for incidental expenses and repairs, eight hundred and forty-seven dollars; for farm, barn and garden, eight hundred dollars; for medical supplies, seventy-five dollars; for school books and school supplies, two hundred dollars; for furniture and household, three hundred dollars; for extraordinary improvements or repairs, five hundred dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the purposes and amounts specified in the first section of this act, upon proper vouchers duly verified by affidavit and approved by the board of trustees having charge of said Soldiers' Orphans' Home, and said auditor is hereby authorized to draw his warrant upon the fund herein appropriated for incidental expenses and repairs for the current fiscal year, for the sum of two hundred dollars, upon the requisition of said board of trustees, said sum to be in the hands of the superintendent of said institution to meet current cash expenditures, and to be accounted for by him to the treasurer of said board.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 19, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XLVIII.

## SILK CULTURE.

AN ACT making an appropriation for the encouragement of silk culture, for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That for the purpose of carrying this act into effect, the state board of agriculture, by its president and secretary, shall appoint one commissioner for the term of two years, or until his successor is appointed and qualified. The residence of such commissioner shall be at Peabody, Marion county, Kansas.

SEC. 2. It shall be the duty of the said commissioners so appointed to purchase and provide suitable machinery, fixtures, furniture and apparatus incident and necessary for the successful working of a silk station, and to provide for the conduct and maintenance thereof, employ a superintendent, and an assistant superintendent, and prescribe their duties and compensation, procure and distribute silk-worm eggs, and to do all and such other and further acts as may be necessary and expedient in the conducting of a silk station and the development of the silk industry; and for the necessary expense thereof he shall draw his warrant therefor, which shall be countersigned by the president and secretary of the state board of agriculture, and when so done shall be paid by the treasurer of state out of the fund provided therefor.

Commissioners  
duty of.

SEC. 3. Before entering upon the duties of his office the said commissioner shall execute to the state of Kansas a bond in the sum of \$2,500, to be approved by the auditor of state, conditioned for the faithful discharge of his duties; and the said commissioner shall receive for his services the sum of \$500 per annum. Said commissioner shall make a full and detailed report of all expenditures and receipts by him made, and proceedings held, to the governor, at least once each year, and at such other time or times as may be by him demanded.

Shall execute a  
bond.

Commissioner  
shall make.

SEC. 4. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated: For the support

of the Kansas Silk Station for the fiscal year ending June 30, 1890, for the purchase of cocoons, \$2,000; for salary of commissioner, \$500; for salary of superintendent, \$600; for salary of assistant superintendent, \$300; reeler's wages, \$900; wages of engineer, \$400; fuel and incidentals, \$300; total, \$5,000. For the fiscal year ending June 30, 1891, for the purchase of cocoons, \$2,000; for salary of commissioner, \$500; for salary of superintendent, \$600; for salary of assistant superintendent, \$300; reeler's wages, \$600; wages of engineer, \$400; fuel and incidentals, \$300. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the several sums and purposes specified, in accordance with the provisions of this act.

SEC. 5. Sections 2, 3, 4, 5 and 6 of chapter 223 (two hundred and twenty-three), Session Laws of 1887, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 22, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XLIX.

### EXECUTIVE AND JUDICIARY DEPARTMENTS.

AN Act making appropriation for the Executive and Judiciary Departments of the State for the fiscal years ending June 30, 1890, and June 30, 1891, and for the balance of the fiscal year ending June 30, 1889.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the fiscal years

ending June 30, 1890, and June 30, 1891, and for the balance of the fiscal year ending June 30, 1889 :

EXECUTIVE DEPARTMENTS.

For the fiscal year ending June 30, 1889: For additional clerk hire, three hundred dollars.

For the fiscal year ending June 30, 1890: Salary of governor, three thousand dollars; rewards for arrests, four thousand dollars; contingent fund, telegraphing, postage, etc., three thousand dollars; salary for private secretary and clerks, five thousand nine hundred dollars.

For the fiscal year ending June 30, 1891: Salary of governor, three thousand dollars; rewards for arrests, four thousand dollars; contingent fund, telegraphing, postage, etc., three thousand dollars; salary for private secretary and clerks, five thousand nine hundred dollars.

TO THE LIEUTENANT GOVERNOR.

For the fiscal year ending June 30th, 1890: One thousand dollars.

For the fiscal year ending June 30th, 1891: One thousand dollars.

TO THE EXECUTIVE COUNCIL.

For the fiscal year ending June 30th, 1890: For stationery, one thousand five hundred dollars; for light, three thousand dollars; freight on fuel, and hauling, one thousand dollars; ice, three hundred dollars; one engineer, one thousand dollars; one assistant engineer, nine hundred dollars; two firemen, one thousand two hundred dollars; for janitors, two thousand six hundred dollars; two mail carriers and department messengers, eight hundred dollars; one night watchman, nine hundred dollars; water rent, four hundred and fifty dollars; furniture, fixtures and repairs, two thousand dollars; contingent expenses, one thousand dollars.

For the fiscal year ending June 30, 1891: For stationery, one thousand five hundred dollars; for light, three thousand dollars; freight on fuel, land hauling, one thousand dollars; ice, three hundred dollars; one engineer, one thousand dollars; one assistant engineer, nine hundred dollars; two firemen, one thousand two hundred dollars; for janitors, two thousand six hundred dollars; two mail carriers and department messengers, eight hundred dollars; one night watchman, nine hundred dollars; water rent, four hundred and fifty dol-

lars; furniture, fixtures and repairs, two thousand dollars; contingent expenses, one thousand dollars.

TO THE ADJUTANT GENERAL.

For the fiscal year ending June 30, 1890: For salary of adjutant general, one thousand five hundred dollars; and additional clerk hire, twelve hundred dollars; for salary of chief clerk, one thousand two hundred dollars; for contingent expenses, telegraphing, etc., five hundred dollars; for per diem and mileage, military board, five hundred dollars; for inspection of companies by regimental officers, one thousand dollars; for armory rent for thirty-four companies and four bands, ten thousand dollars; for pay of militia when called into active service, ten thousand dollars.

For the fiscal year ending June 30, 1891: For salary of adjutant general, one thousand five hundred dollars; and additional clerk hire, twelve hundred dollars; for salary of chief clerk, one thousand two hundred dollars; for contingent expenses, telegraphing, etc., five hundred dollars; for express and freight on arms, etc., and repairs to arsenal, three hundred dollars; for per diem and mileage of the military board, five hundred dollars; for inspection of companies by regimental officers, one thousand dollars; for armory rent, thirty-four companies and four bands, ten thousand dollars; for pay of militia when called into active service, ten thousand dollars: *Provided*, That no money shall be drawn out of the state treasury, other than salary of adjutant general and clerk hire, and contingent expenses of office, except upon the order of the military board, approved by the governor: *And provided further*, That not more than three hundred dollars per year shall be allowed each organized company, and no allowance hereunder shall be made to any company unless such company is fully organized and equipped.

TO THE SECRETARY OF STATE.

For the fiscal year ending June 30, 1889: For additional clerk hire, five hundred dollars.

For the fiscal year ending June 30, 1890: Salary of secretary of state, two thousand dollars; salary of assistant secretary of state, one thousand eight hundred dollars; clerk hire, four thousand two hundred dollars; postage, express and contingent, one thousand dollars.

For the fiscal year ending June 30, 1891: Salary of secre-



tary of state, two thousand dollars; salary of assistant secretary of state, one thousand eight hundred dollars; clerk hire, four thousand two hundred dollars; postage, express and contingent, one thousand dollars.

TO THE AUDITOR OF STATE.

For the fiscal year ending June 30, 1889; For assistance in making up records of railroad assessments for 1889, three hundred dollars.

For the fiscal year ending June 30, 1890: Salary of auditor, two thousand dollars; clerk hire, including salary of assistant auditor, six thousand three hundred dollars; salary of stenographer and typewriter, six hundred dollars; for assistance in making up records of railroad assessment, three hundred dollars; for contingent fund, postage, etc., six hundred and fifty dollars.

For the fiscal year ending June 30, 1891: Salary of auditor of state, two thousand dollars; clerk hire, including salary of assistant auditor, six thousand six hundred dollars; salary of stenographer and typewriter, six hundred dollars; for contingent fund, postage, etc., six hundred and fifty dollars.

TO THE STATE TREASURER.

For the year ending June 30, 1890: Salary of the state treasurer, two thousand five hundred dollars; salary of the assistant treasurer, two thousand dollars; clerk hire, four thousand five hundred dollars; salary of guard, one thousand dollars; contingent fund, one thousand dollars; for stenographer and typewriter, six hundred dollars.

For the year ending June 30, 1891: Salary of state treasurer, two thousand five hundred dollars; salary of assistant treasurer, two thousand dollars; clerk hire, four thousand five hundred dollars; salary of guard, one thousand dollars; contingent fund, one thousand dollars; for stenographer and typewriter, six hundred dollars.

TO THE ATTORNEY GENERAL.

For the fiscal year ending June 30, 1890: Salary of attorney general, two thousand five hundred dollars; salary of chief clerk, fifteen hundred dollars; clerk hire, nine hundred dollars; stenographer, one thousand dollars; incidental and traveling expenses, one thousand dollars; postage and telegraphing, three hundred dollars; for necessary costs and ex-

penditures in the case of Pullman's Palace Car Company *vs.* H. H. Hayward, county treasurer of Allen county, *et al.*, in the United States circuit and the United States supreme court, one thousand dollars.

For the fiscal year ending June 30, 1891: Salary of attorney general, two thousand five hundred dollars; salary of chief clerk, fifteen hundred dollars; clerk hire, nine hundred dollars; stenographer, one thousand dollars; incidental and traveling expenses, one thousand dollars; postage and telegraphing, three hundred dollars.

TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

For the fiscal year ending June 30, 1890: Salary of state superintendent, two thousand dollars; salary of assistant superintendent, one thousand eight hundred dollars; traveling expenses, seven hundred and fifty dollars; contingent, postage, express, and telegraphing, eight hundred dollars; salary of two clerks, two thousand two hundred dollars.

For the fiscal year ending June 30, 1891: Salary of superintendent, two thousand dollars; salary of assistant superintendent, one thousand eight hundred dollars; traveling expenses, seven hundred and fifty dollars; contingent, postage, express, and telegraphing, eight hundred dollars; salary of two clerks, two thousand and two hundred dollars. For stenographer and typewriter, one hundred and eighty dollars for the fiscal year ending June 30, 1889; seven hundred and twenty dollars for the fiscal year ending June 30, 1890; and seven hundred and twenty dollars for the fiscal year ending June 30, 1891.

For the support of county normal institutes, as provided by law: For the fiscal year ending June 30, 1890, five thousand three hundred dollars; for the fiscal year ending June 30, 1891, five thousand three hundred dollars.

TO THE STATE LIBRARIAN.

For the fiscal year ending June 30, 1890: Salary of librarian, one thousand eight hundred dollars; salary of assistants in library, nine hundred dollars; postage, freight charges, expressage and incidental expenses, four hundred dollars.

For the fiscal year ending June 30, 1891: Salary of librarian, one thousand eight hundred dollars; salary of assistants in library, nine hundred dollars; postage, freight charges, expressage and incidental expenses, four hundred dollars.

For the fiscal year ending June 30, 1889: For the amount paid out for the purchase of books for the supreme court commissioners' room, four hundred and nineteen dollars.

TO THE STATE BOARD OF RAILROAD COMMISSIONERS.

For the fiscal year ending June 30, 1890: Salaries of commissioners, nine thousand dollars; salary of secretary, one thousand five hundred dollars; clerk hire and current expenses, two thousand dollars: *Provided*, That each commissioner shall devote his whole time to the duties of his office, and not engage in any other business.

For the fiscal year ending June 30, 1891: Salaries of commissioners, nine thousand dollars; salary of secretary, one thousand five hundred dollars; clerk hire and current expenses, two thousand dollars: *Provided*, That each commissioner shall devote his whole time to the duties of his office, and not engage in any other business.

THE STATE BOARD OF AGRICULTURE.

For the fiscal year ending June 30, 1890: Salary of secretary, two thousand dollars; clerk hire, two thousand six hundred dollars; postage, expressage, freight and telegraphing, one thousand eight hundred dollars; expenses of members of the board, seven hundred and fifty dollars; for contingent expenses, five hundred dollars.

For the fiscal year ending June 30, 1891: Salary of secretary, two thousand dollars; clerk hire, three thousand dollars; postage, expressage, freight and telegraphing, one thousand eight hundred dollars; expenses of members of the board, seven hundred and fifty dollars; contingent fund, five hundred dollars.

For the fiscal year ending June 30, 1889: Clerk hire (extra expense in preparing additional copies of report ordered by concurrent resolution, session of 1887), four hundred dollars.

For postage and express on report of 1889, twenty-eight hundred dollars: *Provided*, That there shall be furnished to each senator one hundred copies, and to each member of the House of Representatives sixty copies of the Sixth Biennial Report of the State Board of Agriculture.

TO THE STATE HISTORICAL SOCIETY.

For the fiscal year ending June 30, 1890: Salary of secretary, one thousand five hundred dollars; clerk hire and cata-

loguing, three thousand dollars; purchase of books pertaining to Kansas history, five hundred dollars; postage, freight and contingent, five hundred dollars.

For the fiscal year ending June 30, 1891: Salary of secretary, one thousand five hundred dollars; clerk hire and cataloguing, three thousand dollars; purchase of books pertaining to Kansas history, five hundred dollars; postage, freight and contingent, one thousand dollars.

#### LABOR COMMISSIONER.

To the commissioner of labor and statistics: For the fiscal year ending June 30, 1890, for salary of commissioner, clerk hire, and incidental expenses of the office, three thousand five hundred dollars; for the fiscal year ending June 30, 1891; for salary of commissioner, clerk hire, and incidental expenses of the office, three thousand five hundred dollars.

#### TO THE STATE BOARD OF HEALTH.

For the fiscal year ending June 30th, 1890: Salary of secretary, two thousand dollars; special sanitary work, five hundred dollars; expenses of state board, and to carry out the provisions of chapter 129, session laws of 1885, one thousand dollars.

For the fiscal year ending June 30, 1891: Salary of secretary, two thousand dollars; special sanitary work, five hundred dollars; expenses of state board, and to carry out the provisions of chapter 129, session laws of 1885, one thousand dollars.

#### TO THE STATE MINE INSPECTOR.

For the fiscal year ending June 30, 1890: Salary of state mine inspector, two thousand dollars.

For the fiscal year ending June 30, 1891: Salary of state mine inspector, two thousand dollars.

#### INSURANCE DEPARTMENT.

For the fiscal year ending June 30, 1890: Salary of superintendent of insurance, two thousand five hundred dollars; salary of assistant superintendent, one thousand five hundred dollars; clerk hire, nine hundred dollars; postage, telegraphing and express, four hundred dollars; traveling and contingent fund, two hundred dollars.

For the fiscal year ending June 30, 1891: Salary of superintendent, two thousand five hundred dollars; salary of assistant superintendent, one thousand five hundred dollars;

clerk hire, nine hundred dollars; postage, telegraphing and express, four hundred dollars; traveling and contingent fund, two hundred dollars.

STATE BOARD OF PARDONS.

For the fiscal year ending June 30, 1890: Per diem and expenses of members, two thousand five hundred dollars.

For the fiscal year ending June 30, 1891: Per diem and expenses of members, two thousand five hundred dollars.

LIVE-STOCK SANITARY COMMISSION.

For defraying expenses and per diem of the live-stock sanitary commission, to be paid out of the fund created under an act entitled "An act for the creation of a fund to defray the expenses and per diem of the live-stock sanitary commission of the state of Kansas:"

For the fiscal year ending June 30, 1890, fifteen hundred dollars.

For the fiscal year ending June 30, 1891, fifteen hundred dollars.

TO THE JUDICIARY—SUPREME COURT.

For the fiscal year ending June 30th, 1890: For salary of three justices, nine thousand dollars; for salary of three commissioners, nine thousand dollars; for salary of reporter, two thousand dollars; for compensation of one stenographer for each of the justices of the supreme court at one thousand two hundred dollars each, three thousand six hundred dollars; for compensation of one stenographer for each of the commissioners of the supreme court at one thousand dollars each, three thousand dollars; for clerk hire for reporter of supreme court, one thousand dollars; for contingent fund for supreme court, seven hundred and fifty dollars; for clerk of the supreme court for copying opinions and syllabi for the reporter, eight hundred dollars; for costs of state cases, five hundred dollars; for telephone for use of supreme court and state library, fifty dollars; for bailiff to attend upon the sessions of the court, two hundred dollars; for cost of building cases for supreme court records, and for furniture and repairs in court room, three hundred and fifty dollars.

For the fiscal year ending June 30th, 1891: For salary of three justices, nine thousand dollars; for salary of three commissioners, nine thousand dollars; for salary of reporter, two thousand dollars; for compensation of one stenographer for

each of the justices of the supreme court, at one thousand two hundred dollars each, three thousand six hundred dollars; for compensation of one stenographer for each of the commissioners of the supreme court at one thousand dollars each, three thousand dollars; for clerk hire for reporter of supreme court, one thousand dollars; for contingent fund of supreme court, seven hundred and fifty dollars; for the clerk of the supreme court for copying opinions and syllabi for the reporter, eight hundred dollars; for cost of state cases, five hundred dollars; for telephone for use of supreme court and state library, fifty dollars; for bailiff to attend upon the sessions of the court, two hundred dollars.

TO THE DISTRICT JUDGES.

For the fiscal year ending June 30, 1890: Salaries of judges of thirty-five judicial districts, eighty-seven thousand five hundred dollars.

For the fiscal year ending June 30, 1891: Salaries of judges of thirty-five judicial districts, eighty-seven thousand five hundred dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the amounts specified in the first section of this act.

SEC. 3. In all cases in which appropriations are made by the provisions of this act, except salaries fixed by law, the officer or person having charge of such appropriation shall in no case, by any contract, act, or proceedings, obligate the state of Kansas at any time to pay a larger sum or sums than that herein specifically appropriated; and no larger sum or sums shall ever be audited by the auditor or allowed or paid for the purposes herein mentioned, than herein appropriated.

SEC. 4. Any person to whom money is payable out of the appropriation provided for in this act, except salaries fixed by law, shall file with the auditor of state an itemized account, verified by his affidavit, that such account is just, correct, is due, and the expenditure was necessary and actually made. Such account shall be approved by the officer having charge of the appropriation.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 4, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 13, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER I.

### INSANE ASYLUM, OSAWATOMIE—BUY LAND, ETC.

AN ACT making appropriations to buy additional land, and rebuild ventilating and clothes shafts, at the Osawatomie Insane Asylum.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the fiscal year ending June 30, 1890 : For building ventilating shafts and ventilators at Osawatomie Insane Asylum, one thousand dollars ; for the purchase of one hundred and four acres additional land at and adjoining lands of Osawatomie Insane Asylum, thirty-five hundred dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrants on the state treasurer for the purposes and amounts specified in this act : *Provided*, No warrant shall be so drawn except upon an itemized voucher sworn to by the party entitled thereto, and duly approved by the said state board of charitable institutions.

SEC. 3. This act shall take effect and be in force on and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LI.

## CENTRAL BUILDING OF STATE HOUSE, CONSTRUCTION OF.

AN ACT making appropriations to continue the construction of the main or central building of the State House, for incidental repair of the wings thereof, and the construction of a light and heating plant, and to provide for a special levy of taxes therefor.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That for the purpose of raising revenue to continue the construction of the main or central building of the state house, and for repairs of the wings thereof, and the construction of a lighting and heating plant in the state house building, there shall be levied and collected in the year eighteen hundred and eighty-nine (1889) the sum of two-fifths of a mill upon each dollar of taxable property in this state, and in the year eighteen hundred and ninety (1890) two-fifths of a mill upon each dollar of taxable property in this state; all of which taxes shall be assessed, levied and collected as other state taxes for said years are assessed, levied and collected. The proceeds of the levy herein provided for are hereby appropriated for the exclusive purpose of continuing the construction of the main or central building of the state house, in accordance with the design, plans and specifications adopted by the state house commissioners, as near as practicable, for incidental repairs of the wings thereof, and the construction of a lighting and heating plant in the state house building, and such money shall be known in the treasury as belonging to the state house fund, and shall be expended for the purposes aforesaid under the direction of the state house commissioners: *Provided*, The architect in charge may be paid a salary not to exceed two thousand five hundred dollars per annum, at the discretion of the commissioners.

SEC. 2. That the money in said state house fund unexpended at the expiration of the present fiscal year, and also all money which shall come into said fund by virtue of taxes heretofore levied, be and is hereby re-appropriated for the purposes specified in section 1 of this act.

SEC. 3. That the auditor of state is hereby authorized and directed to issue the warrants necessary to properly carry out



the provisions of this act, and the board of state house commissioners are prohibited from making any contract whereby the expenditure of any greater sum of money shall be required than is herein appropriated.

SEC. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER LII.

### GRAND ARMY OF THE REPUBLIC, ERECT BUILDINGS FOR.

AN ACT making appropriation for the erection of buildings for the use of the Grand Army of the Republic of the department of Kansas, and for charitable purposes.

WHEREAS, Certain citizens of the city of Ellsworth have conveyed by deed of general warranty to the trustees of the Grand Army of the Republic of the department of Kansas the following-described real estate, to wit: The southwest quarter of section 29, township 15, range 8, Ellsworth county, Kansas, containing 160 acres, said real estate being free of incumbrances, which conveyance provides that said property shall be used, during the existence of the Grand Army of the Republic in this state, for reunion purposes, and when the Grand Army of the Republic shall cease to use the same, that the title thereto shall revert to the state of Kansas for charitable purposes: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The sum of eighteen thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the fiscal year ending June 30, 1890, and eighteen thousand dollars for the fiscal year ending June 30, 1891, for the purpose of erecting buildings on the real estate above described, to be used by the Grand Army of the

Republic for reunion purposes so long as the Grand Army of the Republic shall exist in this state, and continue to use said property for reunion purposes: *Provided*, That no part of said money be expended until the Grand Army of the Republic of this department shall, through its proper officers, or trustees, by proper conveyance provide for the reversion of said real estate, free and clear of all incumbrance, to the state of Kansas, when the same shall cease to be used by the Grand Army of the Republic for the purposes herein specified, which conveyance shall be approved by the governor and attorney general, who shall certify their approval thereof to the state auditor and state treasurer: *And provided further*, That no portion of the sum hereby appropriated shall be drawn from the treasury until there shall be executed to the state of Kansas a good and sufficient bond, in double the sum hereby appropriated, conditioned that the sums drawn from the treasury under this act shall be expended for the sole purpose for which it is appropriated, and that no liens of any kind or description shall attach to said real estate, or any part thereof, and that when the same reverts to the state of Kansas it shall be free and clear of all incumbrances; said bond to be approved by the executive council, and filed in the office of the state treasurer.

SEC. 2. The work upon all buildings erected and improvements made with the money hereby appropriated shall be under the supervision of the state board of charities, and the trustees of the Grand Army of the Republic and the executive council shall have general supervision thereof, for the purpose of carrying out the provisions and purposes of this act.

SEC. 3. The auditor of state is hereby authorized to draw his warrant upon the state treasurer in favor of the parties to whom any of the funds appropriated in section one of this act may be due, when duly sworn to by the party claiming the same, and approved by the board of trustees of the Grand Army of the Republic and the executive council.

SEC. 4. This act shall take effect and be in force from and after its publication.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LIII.

## FORESTRY STATIONS.

AN ACT making appropriations for the further maintenance and support of the two forestry stations heretofore established in the counties of Trego and Ford, for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That for the further support and maintenance of the forestry stations heretofore established in the counties of Trego and Ford, under and by authority of an act entitled "An act to establish the office of commissioner of forestry, prescribing the power and duties thereof, and to encourage the planting and growing of forest trees in the state of Kansas, and making appropriation therefor," there is hereby appropriated out of any moneys in the treasury of this state not otherwise appropriated, for the fiscal year ending June thirtieth, eighteen hundred and ninety, for the salary of the commissioner of forestry, the sum of twelve hundred dollars; for the purchase of young tree seeds and cuttings, the sum of eight hundred dollars, or so much thereof as may be necessary; for the traveling expenses of the commissioner of forestry, the sum of two hundred dollars, or so much thereof as may be necessary; for labor, help, freight, postage, stationery, printing, and other incidental expenses, the sum of four thousand dollars, or so much thereof as may be necessary; the erection of a dwelling-house for the use and occupancy of the foreman of the station in Ford county, the sum of eight hundred dollars, or so much thereof as may be necessary. For the fiscal year ending June thirtieth, eighteen hundred and ninety-one, for the salary of the commissioner of forestry, the sum of twelve hundred dollars; for the purchase of young trees, tree-seeds and cuttings, the sum of eight hundred dollars, or so much thereof as may be necessary; for the traveling expenses of the commissioner of forestry, the sum of three hundred dollars, or so much thereof as may be necessary; and for labor, help, freight, postage, stationery, printing, and other incidental expenses, the sum of four thousand dollars, or so much thereof as may be necessary.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LIV.

### KANSAS NATIONAL GUARD.

AN ACT making an appropriation to pay the officers and enlisted men of the Kansas National Guard called into active service on the second day of August, one thousand eight hundred and eighty-eight, to maintain order and preserve the peace in Stevens county, and to pay for transportation and subsistence while engaged in such service, and to pay the officers and privates of the Kansas National Guard called into active service to preserve the peace in Gray county in January, 1889.

*Be it enacted by the Legislature of the State of Kansas:*

Appropriation.

SECTION 1. That the sum of eight thousand six hundred and thirty-one dollars and twenty-seven cents, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, to pay the per diem pay and allowances of the general and staff officers of the second brigade, and the field, staff and line officers and enlisted men of the second regiment and the officers and enlisted men of section "B," first battery, light artillery, of the Kansas National Guard, while in the active service of the state, under orders from the commander-in-chief, in Stevens county, Kansas, from the second day of August, one thousand eight hundred and eighty-eight, to the sixteenth day of August, one thousand eight hundred and eighty-eight, and for the payment of expenses of transportation and subsistence of the troops while in such active service.

Transportation.

SEC. 2. That the sum of eleven hundred and one dollars and twenty-seven cents, or so much thereof as may be neces-

sary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the per diem pay and allowances of the general and staff officers, and the line officers and men of Companies F and H of the second regiment, Kansas National Guard, while in active service of the state, under orders from the commander-in-chief, in Gray county, Kansas, from the thirteenth day of January, eighteen hundred and eighty-nine, to the twenty-fifth day of January, eighteen hundred and eighty-nine, and for the payment of expenses of subsistence and transportation of the troops while in such active service.

SEC. 3. The auditor of state is authorized to draw his warrant upon the treasurer of state in favor of the paymaster general of the Kansas National Guard, upon the presentation of vouchers, approved by the governor, for such sum or sums as may be found to be due.

SEC. 4. Immediately upon the taking effect of this act the paymaster general shall proceed to pay the officers and men provided for in section one of this act such sums as shall have been found by the military board to be due, and shall also pay to the railroad companies entitled thereto such sums as shall be found to be due for transportation of troops mentioned in section one of this act, at the rate of one and one-half cents per mile. Paymaster shall.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LV.

## STATE PRINTING.

AN ACT making appropriations for State printing for the balance of the fiscal year ending June 30, 1889, and for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or as much thereof as may be necessary, are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purposes hereinafter stated: For the balance of the fiscal year ending June 30, 1889, for legislative printing, printing supreme court reports, session laws, and all reports, documents, circulars, blanks, blank books, or other book-binding required by any state officer or department, including the state board of agriculture, the state horticultural society, the state historical society, the insurance department, and all charitable, educational, or reformatory institutions of the state, and all publications required to be done in newspapers, the sum of eighty-four thousand and two dollars and twenty-four cents; and for paper and binding stock for the same, twenty-three thousand two hundred and nineteen dollars and seventy-three cents.

For the fiscal year ending June 30, 1890: For legislative printing, printing supreme court reports, session laws, and all reports, documents, circulars, blanks, blank books or other book-making, printing or binding required by any state officer or department, including the state board of agriculture, the state historical society, the insurance department, and all charitable, educational or reformatory institutions of the state, and all publications required to be done in newspapers, the sum of fifty-six thousand three hundred and thirty-four dollars and sixty-four cents; and for paper and binding stock for the same, fourteen thousand one hundred and fifty-five dollars and seventy-two cents.

For the fiscal year ending June 30, 1891: For legislative printing, printing supreme court reports, session laws, and all reports, documents, circulars, blank books, or other book-making, printing or binding required by any state officer or

department, including the state board of agriculture, the state historical society, insurance department, the state horticultural society, and all charitable, educational and reformatory institutions of the state, and all publications required to be done in newspapers, the sum of fifty thousand dollars; and for paper and binding stock for the same, twenty thousand dollars.

SEC. 2. The auditor of state is hereby authorized to issue his warrants upon the treasurer of state for the purposes and amounts specified in section one of this act, or so much thereof as may be necessary to liquidate all such accounts as may be presented to him: *Provided*, That no account shall be audited or allowed until it first be itemized and sworn to by the person to whom it is due, and such account approved by the officer having the appropriation in charge: *And provided further*, That no money shall be drawn from the printing fund except upon itemized vouchers sworn to by the state printer, or by the publisher or authorized representative of a newspaper, where the voucher is to pay for publications in a newspaper; and no money shall be drawn from the stock fund unless the itemized voucher be sworn to by the person or his authorized representative who furnished the paper and binding stock.

SEC. 3. That in all cases in which, by the provisions of this act, appropriations are made for a specific purpose named or cause stated, the officer or person having charge of such appropriation shall not in any case by any contract, act, or proceeding, obligate the state of Kansas at any time to pay a larger sum than herein specifically appropriated, and that in no case shall the amount paid exceed the fees in such cases provided by law.

SEC. 4. The secretary of state in his biennial report shall classify, under department and state institution headings, all printing done by the state, giving date when and by whom ordered, when delivered, and to whom, and aggregate cost of each order: *Provided*, That this section shall not relieve the secretary of state from keeping the account with the state printer in the manner now presented by law.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LVI.

### AMENDMENTS TO CONSTITUTION.

AN ACT making an appropriation to pay for the publication of amendments to the constitution, submitted by the Legislature of 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That for the purpose of paying for the publication of the amendments to the constitution submitted by the legislature of 1887, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of thirteen thousand two hundred and sixty dollars and ninety-four cents.

SEC. 2. The auditor of state is hereby authorized to draw his warrants upon the treasurer of state for the purposes specified in the first section of this act: *Provided*, That no account shall be audited by the auditor unless an itemized account is furnished to him, verified by the affidavit of the claimant and certified to by the secretary of state as correct, and not in excess of the legal rates of advertising as allowed by law.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER LVII.

## LEGISLATIVE.

AN Act making appropriation for the Legislative Department, enrolling and engrossing clerks, and committee clerks, and other employes.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes hereinafter provided: For the payment of per diem and mileage of the members of the legislature and lieutenant governor; for per diem of officers, clerks, messengers, employes and chaplains of both houses, chaplains to be paid at the rate of three dollars per day, the sum of fifty thousand dollars. For per diem of enrolling clerks at the rate of three dollars per day, and for payment of engrossing legislative bills and resolutions, at the rate allowed by law.

SEC. 2. The foregoing sum, or so much thereof as may be necessary, shall be paid in proportion to the service rendered, at the rate allowed by law; and the auditor of state is hereby authorized to issue his warrants upon the treasurer of state in the amounts specified in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER LVIII.

## BUTLER COUNTY, COMMISSIONERS OF.

AN Act authorizing the Board of County Commissioners of Butler county to appropriate money for bridge purpose in said county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county commissioners of Butler county are hereby authorized to appropriate the sum of sixteen hundred dollars, or so much thereof as may be necessary, for the purpose of building a bridge across west branch of the Whitewater river, at the point where the section line of two and three, town twenty-six, range three east, crosses west branch of the Whitewater river, which point is known as Edmiston's ford.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.      WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER LIX.

## QUANTRILL RAID SCRIP.

AN Act making an appropriation for the payment of a note given for the payment of the interest on the Quantrill raid scrip.

WHEREAS, The legislature at its session of 1887 passed an act entitled "An act to provide for the assumption and payment of the claims for losses sustained by the citizens of the state of Kansas by the invasion of guerrillas and marauders during the years 1861, 1862, 1863, 1864 and 1865;" and

WHEREAS, By the provisions of said act all the claims

allowed and audited by the provisions of an act providing for the appointment of a commission to examine and certify the amount of losses of citizens of the state of Kansas by the invasion of bands of guerrillas and marauders during the years above mentioned were authorized to be certified and allowed by the auditor of the state of Kansas, and scrip of the state of Kansas issued therefor to bear interest at the rate of four per cent. per annum; and

WHEREAS, Under the provisions of said act there has been allowed and scrip issued to the amount of about \$350,000; and

WHEREAS, By the provisions of the act herein referred to all of said scrip issued by the auditor commenced to bear interest on the first day of July, 1887, and became due and payable on the first day of July, 1888; and

WHEREAS, The legislature made no provision nor appropriated any money for the payment of the interest accruing on the first day of July, 1888, in any way, shape, or form; and

WHEREAS, The failure of the legislature to make some provision for the payment of the interest coupons falling due at that time was evidently an accident or oversight occasioned by the rush of business at the close of the session; and

WHEREAS, A failure to meet the interest due and payable on the first day of July, 1888, would tend to discredit the good name of and impair the credit of the state of Kansas; and

WHEREAS, The state officers together with certain citizens joined in a note for the amount of interest payable to the First National Bank of New York City, N. Y., for the purpose of paying the interest when due, relying on the present legislature to make an appropriation to pay the same: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That there is hereby appropriated to J. W. Hamilton, state treasurer, out of any money in the treasury not otherwise appropriated the sum of fourteen thousand dollars as principal and three hundred and sixty-seven dollars and sixty-seven cents as interest of said note.

SEC. 2. The auditor of state shall issue his warrant on the treasurer of state for the amount herein appropriated, upon the presentation of a statement under oath that the amount

mentioned in section one of this act has been expended for the purposes therein mentioned.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved January 29, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Jan. 30, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER LX.

### STATE INDUSTRIAL REFORMATORY, AT HUTCHINSON.

AN ACT making an appropriation for the construction of the State Industrial Reformatory, at Hutchinson.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. For the purpose of continuing the construction of the State Industrial Reformatory, at Hutchinson, Kansas, there is hereby appropriated out of any money in the treasury not otherwise appropriated, for the fiscal year ending June 30, 1890, the sum of fifty thousand (\$50,000) dollars; and for the fiscal year ending June 30, 1891, the sum of fifty thousand (\$50,000) dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrant on the treasurer of state for the purpose and amounts specified in this act, upon a proper voucher therefor, audited and allowed by the board of industrial reformatory commissioners.

SEC. 3. The board of industrial reformatory commissioners in the expenditure of the appropriations authorized by section one of this act are hereby authorized and directed to expend the same in such manner, if it can be done economically, as will complete the cell-blocks now partially completed, and complete such other portions of said reformatory in connection with said cell-blocks as may be necessary for the occupancy thereof, for the purpose for which said reformatory was established.

SEC. 4. This act shall take effect and be in full force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXI.

### MISCELLANEOUS.

AN ACT making appropriation for miscellaneous purposes.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for miscellaneous purposes:

2. To the county of Hodgeman, to be paid to the county treasurer thereof, for costs incurred in criminal prosecutions in the unorganized county of Garfield, attached to Hodgeman county for judicial purposes, as per itemized fee bill, duly attested by the clerk of the district court of said county, seven hundred nine and fifty one-hundredths dollars. Also, to the county of Rawlins, to be paid to the treasurer thereof for costs incurred in a suit against Cyrus Anderson to cancel a fraudulent school-land entry, the sum of ninety-four dollars and sixty cents, as per itemized fee bill duly attested by the clerk of the district court of said county.

3. To Mary Ann Gibson, for money belonging to the estate of John J. Gilmore, deceased, erroneously paid into the state permanent school fund by the probate judge of Allen county, ninety-one dollars and sixty-one cents, to be paid by the state school fund commissioners upon presentation of satisfactory proofs that she is the sole surviving heir of the said John J. Gilmore, deceased.

4. To William Dignon & Co., for furniture for use in representative hall and the senate chamber, four hundred and thirteen dollars and seventy cents.

5. To the Topeka Sash and Door Manufacturing Company, for material furnished for senate chamber, nine dollars and thirty-five cents.

6. To the Missouri and Kansas Telephone Company, for the service of telephone for the legislature, fifty dollars.

7. To Stevenson & Peckham, for carpet for representative hall, nine hundred and eighty-six dollars and sixty-five cents.

8. To the George W. Crane Publishing Company, for bill books for the use of the legislature, five hundred dollars.

9. To the Topeka Modoc Club, for rent of committee room, fifty dollars.

10. To J. C. Gordon, for rent of committee room, twenty dollars.

11. To the Executive Council, to be expended in arranging, notating and classifying the Goss ornithological collection: For the fiscal year ending June 30, 1890, five hundred dollars; and for the fiscal year ending June 30, 1891, five hundred dollars.

12. To A. B. Woolverton, for rent of committee room, fifteen dollars.

13. To J. W. Herron, for rent of committee room, twenty-three dollars.

14. To John Hammond, for reimbursement for loss sustained in building the normal school at Emporia, five hundred dollars.

15. To W. H. Young, for per diem as representative from the one hundred and fourteenth district, in the legislature of 1887, one hundred and fifty dollars.

16. To the persons and in the sums herein named, for per diem and mileage as presidential electors in eighteen hundred and eighty-eight, as follows: To Alonzo W. Robinson, sixteen dollars and fifty cents; to J. B. McGonigal, one hundred and eight dollars and sixty cents; to John Madden, thirty-three dollars and sixty cents; to F. R. Ogg, twenty-eight dollars and fifty cents; to D. A. Valentine, forty dollars and twenty cents; to E. F. Ware, forty-five dollars; to John Waller, three dollars; to Thomas P. Anderson, seventy-three dollars and eighty cents; to Willis G. Emerson, ninety-nine dollars and sixty cents.

17. To H. L. Millard, for balance due for transcribing House journal of 1887, one hundred and fifty dollars.

18. To George Findlay, for traveling expenses, postage, office rent, and clerk hire, as state mine inspector for the years 1888 and 1889, twelve hundred dollars.

19. To W. J. Haughawout, for office rent, expenses, postage, etc., as agent for sale of state university lands for fiscal years ending June 30, 1890, and June 30, 1891, two hundred dollars.

19½. To George Findlay, for traveling expenses, postage, office and clerk hire, as state mine inspector, for the years 1888 and 1889, eighteen hundred dollars.

20. To Darling & Douglass, for badges for officers of the legislature of 1889, nine dollars.

21. To the superintendent of public instruction of Morton county, for proportion of normal-institute appropriation not received in 1887, fifty dollars.

22. To H. M. Greene, for clothing furnished indigent pupils at Asylum for Idiotic and Imbecile Youth, at Winfield, thirty dollars and fifteen cents.

23. To Andrew J. Harlan, for services as county attorney for the unorganized counties of Gove, Logan and Wallace, four hundred dollars.

24. To W. L. Thomas & Co., for desk for use in senate chamber, fifteen dollars.

25. To Company G, Second Regiment, Kansas National Guard, for funeral expenses of private Smith, who died of disease contracted while in the service of the state in Stevens county, fifty dollars and seventy-five cents.

26. To A. H. Mooney, for rent of committee room, twenty dollars.

27. To E. A. Scammon, for traveling expenses, postage, telegraphing, office rent and clerk hire, as state mine inspector, for fiscal years ending June 30, 1883, to June 30, 1884, and fractional year of 1885, seven hundred and fifty dollars.

27½. To J. T. Wright, for loss on barn destroyed by wind storm at Soldiers' Orphans' Home, one thousand dollars (\$1,000).

28. C. C. Baker, for translating the messages of Governors John A. Martin and Lyman U. Humphrey into the German and Swedish languages, three hundred dollars.

29. For the payment of L. D. Bailey, for money paid out

for publishing the first agricultural reports of Kansas, eight hundred dollars.

30. To Harrison Kelley, for per diem and expenses as member of the State Live-Stock Sanitary Commission during 1888, three hundred and twenty-three dollars and thirty-three cents.

31. To Charles Collins, for per diem and expenses as member of the State Live-Stock Sanitary Commission during 1888, thirty-eight dollars and sixty cents.

32. To J. T. White, for per diem and expenses as member of the State Live-Stock Sanitary Commission during 1888, fifty-seven dollars and ten cents.

33. To Fred Ware, for laundry work for legislature, ten dollars.

34. To George B. Palmer, for funeral expenses of E. W. Case, a delegate to the House of Representatives from Scott county, three hundred and thirty-five dollars.

35. To Marshall's Military Band, for attending funeral of E. W. Case, fifty dollars.

36. To the following-named persons for reimbursement of moneys erroneously paid into the state school fund, as follows: J. M. Canfield, six hundred and three dollars and eighty-four cents; Fred. Koerner, ninety-three dollars and sixty cents; Aaron S. Lee, four hundred and ninety-three dollars; Fred. Karlin, ninety-eight dollars and twenty-eight cents; Jacob Walter, one hundred and sixteen dollars and eighty cents; Fred. Walter, one hundred and ten dollars and forty cents; R. M. Crane, seventy-three dollars and ninety cents; Joseph Sleigh, twenty-four dollars; Andrew Parks, ninety-two dollars and twenty-four cents; Morrissie R. Mahin, forty-eight dollars; E. M. Childs, fifty-one dollars and eighty-four cents. The same to be paid upon surrender of the original or duplicate certificates and receipts to the state school-fund commissioners, who are hereby authorized and directed to draw their warrants upon the proper fund to the order of the persons above named, their heirs or executors, and in the sums hereinbefore specified.

38. To E. S. W. Drought, for balance of appropriation of 1887 (re-appropriated) on his contract for erection of buildings at the Reform School, two hundred and ten dollars and eighty-six cents, provided that said sum be paid as follows: To Christine Smith, forty dollars; to Robert Mood, three



dollars and twenty cents; to E. R. Tomlinson, twenty-two dollars and fifty cents; to Jonathan Myers, one hundred and forty dollars; to E. S. W. Drought, five dollars and sixteen cents.

39. For payment of expenses of members of the subcommittee of ways and means of the House of Representatives, appointed to visit the State University and Agricultural College, as follows: To M. F. Duvall, three dollars; E. A. Dupree, three dollars and forty cents; N. B. Needham, three dollars; F. A. Stocks, eight dollars; J. N. High, one dollar.

40. For payment of expenses of members of the subcommittee of ways and means of House of Representatives appointed to visit the Topeka Insane Asylum, as follows: To F. A. Stocks, one dollar; William A. Walker, one dollar; \*J. J. Wright, one dollar.

41. For payment of expenses of members of the committee appointed to visit the state charitable institutions, as follows: To L. E. Steele, twenty-two dollars; to J. M. Johnson, twenty-two dollars; to J. W. Burnett, twenty-two dollars; to J. W. Mechem, twenty-two dollars; to J. S. Hileman, twenty-two dollars; to D. M. Elder, twenty-two dollars; to J. W. Brown, fifteen dollars.

42. For payment of expenses of members of the joint committee appointed to investigate the State Industrial Reformatory, at Hutchinson, as follows: To C. F. Johnson, eighteen dollars and eighty-five cents; to L. C. Hay, eighteen dollars and eighty-five cents; to J. Schilling, eighteen dollars and eighty-five cents; to J. H. Reeder, eighteen dollars and eighty-five cents; to M. W. Sutton, eighteen dollars and eighty-five cents; to J. H. Downing, eighteen dollars and eighty-five cents; to Robert Adams, eighteen dollars and eighty-five cents; to John H. Smith, for expenses, mileage and witness fees, eighteen dollars and eighty-five cents.

43. For payment of expenses of members of Senate "beef trust" investigation committee, to the persons and in the sums and for the purposes herein specified, as follows: To R. W. M. Roe, twenty dollars; to J. G. Mohler, twenty dollars; to John C. Rankin, twenty dollars; to L. P. King, twenty dollars; to E. L. Chapman, twenty dollars; to William Simpson, mileage and witness fees, fifty-five dollars and forty cents; Sol. Marsh, mileage and witness fees, fifty-five dollars and fifty cents; S. S. Godfrey, mileage and witness fees, twenty-five

dollars and fifty cents; P. P. Elder, mileage and witness fees, thirteen dollars and fifty cents; Chas. Bosworth, mileage and witness fees, thirteen dollars and fifty cents; Chas. Durst, mileage and witness fees, thirteen dollars and fifty cents; Horace Hagan, mileage and witness fees, nine dollars and fifty cents; Volney Ball, mileage and witness fees, thirty dollars and fifty cents; to John E. Anderson, sergeant-at-arms, for per diem, mileage, telegraphing, serving subpoenas, etc., three hundred and twenty-three dollars and thirty cents; to O. P. Craig, stenographer, for per diem, mileage and transcript of testimony, three hundred and fifty-three dollars and ninety-five cents.

44. For payment of expenses of committee of House of Representatives, appointed to visit, inspect and report upon the state coal mines, to the persons and in the sums herein stated, as follows: To G. T. Davis, forty dollars; G. L. Coates, forty dollars; L. C. Hay, fifteen dollars; J. W. Herron, forty dollars; R. Davis, forty dollars.

45. To Kitchell & Marburg, for desk furniture and fixtures for senate chamber, thirty-five dollars and thirty-two cents.

46. For making printer's copy of the senate journal of the session of 1889, seven hundred dollars, or so much thereof as may be necessary to pay for the same at the rate of ten cents per folio, said sum to be payable to A. G. Stacey as his rights may appear; and for making printer's copy of the House journal of the session of 1889, 8,000 folios (estimated), at ten cents per folio, eight hundred dollars, or so much thereof as may be necessary to pay for the same at the rate of ten cents per folio, said sum to be paid to H. L. Millard, chief clerk of the House of Representatives, as his rights may appear; said senate and house journals to be paid for only upon duly-authenticated vouchers, approved by the secretary of state. To A. G. Stacey, for indexing senate journal of 1889, two hundred dollars. To H. L. Millard, for indexing the house journal of 1889, two hundred dollars.

47. To Geo. W. Crane, journal clerk, for extra services, fifty dollars. J. Q. Royce, assistant chief clerk, for extra services, fifty dollars. To L. W. McLennan, assistant journal clerk, for extra services, fifty dollars. To A. R. Banks, clerk of the house committee on ways and means, for extra services, fifty dollars. To C. F. Hostetler, docket clerk of

the House of Representatives, for extra services, fifty dollars. To Elliott Smith, for ten days' service as page to senate, twenty dollars.

48. For transcribing senate journal of the session of 1889, as authorized by senate concurrent resolution No. 30, 7,000 folios, (estimated,) nine hundred and fifty dollars, or so much thereof as may be necessary to pay for the same, at the rate of fifteen cents per folio; said sum to be paid to A. G. Stacey, as his rights may appear; and for transcribing the house journal of the session of 1889, as authorized by senate concurrent resolution No. 30, 8,000 folios, (estimated,) twelve hundred dollars, or so much thereof as may be necessary to pay for the same, at the rate of fifteen cents per folio; said sum to be paid to H. L. Millard, as his rights may appear.

49. To G. A. Bigbee, for six and one-half days' service as telephone messenger, at two dollars per day, thirteen dollars.

50. To Mrs. George Smith, for washing 200 towels for use of House of Representatives, ten dollars.

51. To Mrs. Augusta Wilson, for services and expenses as lady commissioner for the state of Kansas to the World's Industrial and Cotton Centennial Exhibition, at New Orleans, in 1884 and 1885, sixteen hundred and forty-seven dollars.

52. To the secretary of state, to defray the expenses of proof-reading the laws of 1889, one hundred dollars.

53. To J. E. Andrews, for amount paid for attorney's fees in defending contest brought against him for his seat in the legislature, one hundred dollars.

54. To S. A. Brown & Co., amount of original item No. 62, of miscellaneous appropriation bill for year 1887, which passed both houses of the legislature, but by an error of the enrolling clerk was omitted from enrolled bill, three hundred and thirty dollars.

55. To Mrs. Thomas Carney, for amount due for one and thirty-two one-hundredths acres of land deeded to the state by her late husband, and not paid for, one hundred and ninety-eight dollars and fifty cents.

56. To T. J. Kellam, for stationery furnished for use of Senate and House of Representatives, as per account rendered, one thousand five hundred and ninety-six dollars and sixty-five cents.

57. For costs and expenses in the case of the St. Jo. & Grand Island Railroad Company, plaintiff, vs. John Devereux,

sheriff of Doniphan county, defendant, in the United States circuit court for the district of Kansas, one thousand dollars, to be expended under the direction of the attorney general.

58. To the Garfield Rifle Company of the Kansas National Guard, for rent of armory, to be paid on voucher approved by the adjutant general, one hundred dollars, 1890, and one hundred dollars, 1891.

59. To the Edison Electric Illuminating Company, for electric lights in room occupied by enrolling clerks, twenty dollars.

60. To the Logan Rifle Company, Topeka, for armory, to be paid on voucher approved by the adjutant general, one hundred dollars.

61. To J. H. C. Brewer, secretary of the state board of silk commissioners, for cash advanced for the purchase of cocoons, wages, fuel, etc., three hundred and sixty-six dollars.

62. For payment of expenses incurred by joint committee appointed by Senate and House of Representatives to investigate the penitentiary, at Leavenworth, in the sums and to the persons hereinafter designated, as follows: To F. P. Harkness, twenty-three dollars and forty cents; F. C. Price, twenty-three dollars and forty cents; M. C. Kelley, twenty-four dollars and forty-four cents; J. V. Admire, twenty-three dollars and forty cents; Z. T. Walrond, twenty-three dollars and forty cents; W. M. Rice, twenty-three dollars and forty cents; Thomas E. Berry, twenty-four dollars and forty cents; D. T. Elliott, twenty-three dollars and forty cents; L. B. Kellogg, twenty-three dollars and forty cents; James A. Loper, witness fees, five dollars and fifty cents; Philip Krohn, witness fees, eighteen dollars and seventy cents; Frank Gable, eighteen dollars and fifty cents; D. J. Keller, one dollar and fifty cents; D. N. Barnes, one dollar and fifty cents; O. S. Hiatt, twenty dollars and twenty cents; D. R. Anthony, one dollar and fifty cents; Howard Leland, four dollars and fifty cents; Oscar Lamm, one dollar and fifty cents; Ed. A. Church, fifty-one dollars; Endsley Jones, fifteen dollars and seventy cents; John R. Braidwood, fifteen dollars and seventy cents; Wm. Patterson, one dollar and fifty cents; Wm. Parshell, one dollar and fifty cents; John H. Smith, fourteen dollars and twenty cents; H. E. Richter, fourteen dollars and forty cents; W. B. Shockley, twelve dollars and seventy cents; J. D. Bowersock, five dollars and seventy cents;

S. D. Keller, twelve dollars and seventy cents; J. B. Bauserman, twelve dollars and seventy cents; R. A. Ketner, twelve dollars and seventy cents; E. E. Murphy, twelve dollars and seventy cents; H. H. Lowrey, thirty dollars and fifty cents; E. H. Leutwiler, one hundred and fifty-five dollars and fifty cents; F. C. Buckley, fourteen dollars and twenty cents; J. C. Crancer, twelve dollars and seventy cents; James F. Legate, one dollar and fifty cents; Thomas C. Thurston, fifteen dollars and seventy cents; Henry Shindler, fourteen dollars and twenty cents; Lafe C. Smith, sergeant-at-arms, for subpoenaing witnesses, and mileage, one hundred and thirty dollars and thirty cents; J. H. Stewart, stenographer, for per diem and making transcript of evidence, seven hundred and twenty-five dollars and fifty cents.

63. To A. M. McLennan, for expense incurred as a sub-committee of committee on ways and means in examination of reform school, nine dollars and twenty-five cents.

64. R. C. McFarland, expenses to Leavenworth, five dollars; H. S. Coly, expenses to Leavenworth, five dollars.

65. To D. C. Nellis, for rent of rooms for use of supreme court commissioners, one hundred and fifty dollars.

66. To John B. Gifford, agent for the sale of Agricultural College lands, for commission on lands sold, one hundred and sixty-three dollars and seventy-six cents.

67. To the Geo. W. Crane Publishing Company, for 3,500 Compiled Laws 1889, at five dollars per copy of two volumes, as provided by House bill 532, seventeen thousand five hundred dollars.

68. To the Geo. W. Crane Publishing Company, for annotated reprints of the Supreme Court Reports, as provided by House bill 508, \$10,000.

69. To W. H. Ward, for extra services performed by request of the governor, fifty dollars.

70. For the balance of the fiscal year ending June 30, 1889, for salary of judge of the court of common pleas in Sedgwick county, eight hundred dollars. For fiscal year ending June 30, 1890, for salary of judge of the court of common pleas for Sedgwick county, twenty-five hundred dollars. For fiscal year ending June 30, 1891, for salary of judge of the court of common pleas for Sedgwick county, twenty-five hundred dollars.

71. To H. L. Taylor, clerk of judiciary committee, for extra services, fifty dollars.

73. To A. G. Stacey, secretary of the senate, for ten days' service after close of the session, fifty dollars.

73½. To John H. Young, in addition to his per diem as night watchman of the senate chamber and committee rooms, for extra services fifty dollars.

74. To W. J. Gregg, docket clerk of the senate, ten days' services after the close of the session, fifty dollars.

75. To T. J. Jackson, journal clerk of the senate, ten days' services after close of the session, fifty dollars.

76. To Benjamin Schnierle, for extra services as clerk of senate committee on ways and means, fifty dollars.

77. To W. M. Allison, assistant secretary of the senate, for extra services, fifty dollars.

78. Move to insert in bill, that F. M. Higgason, document clerk of the house, be allowed the sum of ten dollars (\$10) for the extra services performed in taking charge of and returning to the office of the secretary of state, stationery and supplies now in his keeping.

79. For the payment of expenses of delegates appointed to the farmers' national congress for the year 1889, five hundred dollars; for the year 1890, five hundred dollars.

81. To Robert Adams, sergeant-at-arms of the House of Representatives, for extra services, fifteen dollars.

82. To Bion S. Hutchins, clerk of the judiciary committee in the Senate, fifty dollars.

83. H. L. Millard, chief clerk of the House of Representatives, for ten days' extra service, fifty dollars.

83½. To John Shields, for extra services as clerk of the senate committee on enrolled bills, twenty-five dollars.

84. To Lafe C. Smith, sergeant-at-arms of the senate, for ten days' service after close of the session, fifty dollars.

85. To Joseph Trott, for stable, granary, wheat, etc., four hundred dollars, or so much thereof as may be necessary, provided the same shall be paid only on sworn vouchers.

86. To W. J. Roth, for damages sustained in falling from capitol building, one thousand dollars.

87. To pay the per diem and mileage of senate committee to revise and codify laws governing and defining the powers and duties of the several departments of the state govern-

ment, appointed under senate resolution No. 91, and to pay clerk hire for the committee, fifteen hundred dollars.

88. To Mrs. Maud Smith, for rent of typewriter for use of committee on fees and salaries, twelve dollars and twenty-five cents.

89. To allow the widow of the late Capt. D. A. King, Company F, Second Regiment of National Guards, five hundred dollars pension on account of the death of her husband while in active service at Cimarron, Gray county, Kansas.

90. For fiscal year ending June 30, 1890, additional clerk hire in the bureau of labor statistics, five hundred dollars; for fiscal year ending June 30, 1891, for additional clerk hire in bureau of labor statistics, five hundred dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrant upon the state treasurer for the purposes and amounts specified in this act, or so much thereof as may be necessary for the payment of all such claims as may be presented to him: *Provided*, That no account shall be allowed or audited unless upon itemized voucher duly verified by the claimant or officer to whom the same is made.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 4, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 7, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXII.

### SUMNER COUNTY, APPORTIONMENT OF PUBLIC PROPERTY.

AN ACT to provide for the apportionment of public property in Sumner county, Kansas, by a sale of lots eleven and twelve, in block fifty-three, in Wellington, Kansas, and apportion the proceeds of the same among the townships of Seventy-six, Downs, Osborn, Jackson, Wellington, and the city of Wellington, in said county.

#### PREAMBLE.

*Whereas*, That in 1873 the present city of Wellington, the present townships of Wellington, Seventy-six, Osborn, Downs

and Jackson were one single township, known as Wellington township, in Sumner county, Kansas; and

*Whereas*, While said city and townships so composed one township, there was purchased by said township lots eleven (11) and twelve (12), in block fifty-three (53), in Wellington, Sumner county, Kansas, and erected upon the same, at a cost of ten thousand eight hundred and twenty-nine dollars and seventy-nine cents (\$10,829.79), a township hall, now known as the old court house; and

*Whereas*, Since the erection of said building the city of Wellington has been organized into a city of the second class, and then [there] has been detached from the territory of the original township of Wellington the territory now making the townships of Seventy-six, Osborn, Downs, Jackson, and the city of Wellington; and

*Whereas*, The proportional part of said cost of erecting the said township hall which was contributed by the present city of Wellington, was \$4,928.83; by the present township of Seventy-six, was \$814.76; by the present township of Osborn, was \$625.10; by the present township of Downs, was \$251; by the present township of Jackson, was \$595.99; by the present township of Wellington, was \$3,614.11; and

*Whereas*, There still remains in the treasury of the township of Wellington of said sum contributed toward the erection of said building the sum of \$678.69; and

*Whereas*, The legal title to said building and lots is in the township of Wellington: therefore,

Sheriff shall.

SECTION 1. *Be it enacted by the Legislature of Kansas*, That the sheriff of Sumner county, Kansas, shall within thirty days after this act takes effect, proceed to have advertised, appraised and sold, in the same manner as is now provided by law for selling real estate under order of sale from the district court, lots eleven (11) and twelve (12), in block fifty-three (53), in Wellington, Sumner county, Kansas, and make a report of said sale to the district court of said county and state in like manner as is now provided by law in sales of real estate as far as applicable.

SEC. 2. It shall be the duty of said district court to confirm the sale mentioned in this act if the same is made in accordance with this act, and order the sheriff of Sumner county, Kansas, upon the payment into court the purchase-money, a deed to the purchaser, which deed shall be in all respects bind-



ing, and confer upon the purchaser a full and complete title in fee simple to said lots eleven and twelve, in block fifty-three, in Wellington, Kansas.

SEC. 3. The district judge of said court shall, by an order under his hand, direct the clerk of the district court to disburse the sum realized from the sale of the lots named in this act, among the following named municipalities in Sumner county, Kansas, and in the proportion as follows: To the township of Seventy-six, that per cent. of the proceeds of sale that \$814.76 is of \$10,829.79; to the township of Osborn, that per centum of the proceeds of the sale that \$625.10 is of \$10,829.79; to the township of Downs, that per centum of the proceeds of sale that \$251 is of \$10,829.79; to the township of Wellington, that per centum of the proceeds of sale that \$3,614 is of \$10,829.79; to the township of Jackson, that per centum of the proceeds of sale that \$595.99 is of \$10,829.79; and to the city of Wellington, that per cent. of the proceeds of sale that \$4,928.83 is of \$10,829.79: *Provided*, That shall said judge find that any part of the moneys contributed toward the erection of the building mentioned in this act has not been disbursed by the township of Wellington, then the sum so found to remain with said township, shall be deducted from said township *pro rata*.

Clerk to disburse.

SEC. 4. The purchaser of said lots shall have all unpaid rents, and is hereby empowered to maintain an action in any court of competent jurisdiction for the same.

Purchaser shall have.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXIII.

## BRIDGE AT KANSAS CITY.

AN ACT to provide for the erection of a bridge across the Kansas river, at right-angles at Eighth street, in Kansas City, south side, Wyandotte county, and authorizing the County Commissioners of said county to issue bonds in payment therefor.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the board of county commissioners of the county of Wyandotte are hereby authorized, immediately after the taking effect of this act, to advertise for proposals for the construction of a bridge across the Kansas river, at right angles at Eighth street, in Kansas City, south side, in said county, having first given ten days' notice of their intention and having first had prepared the plans and specifications therefor, and shall let the contract for the construction to the lowest and most responsible bidder, (the cost of which bridge shall not exceed the sum of sixty thousand dollars,) and shall take from such contractor a good and sufficient bond for the faithful compliance with the contract so made with him.

Commissioners  
shall issue.

SEC. 2. In order to pay the contract price for the erection of such bridge, the said county commissioners shall issue the bonds of said county, which bonds shall bear interest at a rate not exceeding six per cent. per annum; and it shall be the duty of the board of county commissioners annually, at the time of levying other taxes, to levy an amount each year to pay the interest as the same shall become due, and also before the date of maturity of each bond, to levy a tax for the final redemption of all such bonds as they shall severally become due; and all moneys realized under a sale of such bonds shall be a special fund called the "Rosedale bridge fund," and shall be appropriated only for the purposes hereinbefore specified: *Provided*, That no bonds issued in pursuance of this act shall be sold for less than their par value, nor shall bonds be issued under this act to an amount exceeding the sum of sixty thousand dollars.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXIV.

### BONDS—COMMISSIONERS OF RUSSELL COUNTY TO RE-FUND.

AN Act to authorize the County Commissioners of Russell county to re-fund not exceeding eight thousand dollars outstanding bonds of said county at a lower rate of interest.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the board of county commissioners of the county of Russell, state of Kansas, are hereby authorized and empowered to issue and sell the bonds of said county in an amount not exceeding eight thousand dollars, for the purpose of redeeming twenty thousand dollars outstanding ten-per-cent. bonds, maturing December 1st, 1889, less twelve thousand dollars now in hands of the county treasurer for the redemption of said outstanding bonds.

SEC. 2. The bonds authorized by this act shall be known as re-funding bonds, and issued in sums of not less than one hundred nor more than five hundred dollars each, and shall bear interest at a rate not exceeding six per cent. per annum, interest payable semi-annually on the first day of June and December of each year, to commence on the first day of December, 1889, and shall have interest coupons attached thereto for such interest. Principal and interest of said bonds shall be payable to bearer at the fiscal agency of the state of Kansas, in the city of New York, and such bonds shall be payable as follows: Two thousand dollars December 1st, 1895; two thousand dollars December 1st, 1896; two thousand dollars December 1st, 1897; and two thousand dollars December 1st, 1898.

SEC. 3. All bonds and coupons issued under this act shall be signed by the chairman of the board of county commissioners, and attested by the county clerk of said county; and said

bonds shall have the official seal of said county affixed thereto. Said bonds shall be consecutively numbered, and shall be registered by the county clerk in a book to be by him kept for that purpose, showing the date, number, amount, and for what purpose each bond was issued; to whom sold or delivered; when and where payable; the number and amount of interest coupons attached thereto; and when the same are payable. Said clerk shall also keep a complete record of all proceedings of the board of county commissioners under this act. A copy of such registration, duly certified by such county clerk under the seal of said county, shall be filed by said county clerk at the fiscal agency of the state of Kansas, in the city of New York, prior to the first day of February, 1890.

Commissioners shall levy.

SEC. 4. The board of county commissioners of said county shall levy annually upon the taxable property of said county a sum sufficient to pay the interest on all bonds issued under the provisions of this act, and shall also levy a sum sufficient to redeem such bonds as the same shall become due; said taxes to be levied and collected at the same time and in the same manner as other taxes; and the money so collected shall be applied to the payment of said bonds and the interest thereon as the same becomes due, and to no other purpose.

County clerk shall.

SEC. 5. The county clerk of said county shall procure suitable lithographed blank bonds, in accordance with the provisions of this act, to be issued as hereinbefore provided; and said county clerk shall cause to be filed, at the fiscal agency of the state of Kansas, in the city of New York, a specimen bond and coupons, with the signatures of the chairman of the board of county commissioners and the county clerk thereon, and the seal of the county affixed thereto. Said bond and coupons shall have the word "Specimen" written across the face thereof, and shall be properly canceled before sent to said fiscal agency.

The commissioners shall negotiate the sale of.

SEC. 6. The board of county commissioners of said county shall negotiate the sale of all bonds issued under the provisions of this act, either directly or through such agent or agents as the said board may select; that none of said bonds issued under the provisions of this act shall be sold for less than par.

SEC. 7. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER LXV.

### BONDS FOR HIGH SCHOOL, BALA TOWNSHIP, RILEY COUNTY.

AN ACT authorizing Bala township, in Riley county, Kansas, to vote bonds, not to exceed eight thousand dollars, for the purpose of aiding in the erection of a county high-school building on grounds in or adjacent to the city of Leonardville in said county, and stipulating the conditions upon which the proceeds thereof shall be delivered to said Riley county, and to repeal chapter 153 of the Session Laws of 1886.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The township trustee, treasurer and clerk of Bala township, Riley county, Kansas, are hereby authorized and empowered to issue the bonds of said township, not to exceed in amount the sum of eight thousand dollars, for the purpose of aiding in the erection of a county high-school building in or adjacent to the city of Leonardville, in said Bala township. Empowered to issue the bonds.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred dollars each, payable in not to exceed ten years and at the pleasure of said township after five years, and shall draw interest at the rate of not to exceed seven per cent. per annum, payable semi-annually on the first days of January and July of each year at the office of the treasurer of Riley county: *Provided*, That said bonds shall not be sold at less than par.

SEC. 3. Said bonds shall not be issued until the question of issuing them shall have been submitted at a general election or a special election called for that purpose, which election shall be conducted in conformity with the general election laws of the state of Kansas. The said trustee, clerk and treasurer, or a majority of them, shall give notice Give notice.

of the time and place of holding such election by posting written or printed notices thereof in at least five public places in said township, and by publishing the same for four consecutive weeks in some newspaper published in said township. Said notice shall contain a statement of the purpose for which and the conditions on which the bonds are to be issued under this act.

Ballots.

SEC. 4. All ballots cast at said election having printed or written thereon "For the high-school bonds" shall be counted in favor of the bonds, and all ballots having written or printed thereon "Against the high-school bonds" shall be counted against the bonds; and if a majority of the legal votes cast as above provided shall be for the bonds, the said bonds shall be issued, and not otherwise.

Commissioners shall levy.

SEC. 5. The board of county commissioners of Riley county shall levy annually such a per cent. on the taxable property of said township as will be sufficient to pay the interest on all bonds issued under the provisions of this act as the same shall accrue, and also provide a sinking fund for the payment of said bonds.

Bonds issued under the.

SEC. 6. The bonds issued under the provisions of this act, and the coupons thereto attached, shall be signed by the trustee, treasurer and clerk of said township, and shall be registered by the clerk of said township, and by the county clerk of Riley county, in books kept in their offices for such purpose.

Cost of not less.

SEC. 7. The said trustee, clerk and treasurer of said Bala township are hereby authorized to deliver to the county of Riley, in the state of Kansas, the proceeds of such bonds as may hereafter be issued under the provisions of this act: *Provided*, That the delivery thereof shall be on the condition that the said county of Riley shall erect a suitable high-school building in or on grounds adjacent to the city of Leonardville, in said county, at an actual and necessary cost of not less than twenty thousand dollars (\$20,000), and furnish the same in a suitable manner, and establish therein a county high school within one year from the time of said delivery.

SEC. 8. Chapter 153 of the Session Laws of 1886, relating to this subject, is hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21. 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXVI.

### BONDS FOR WATER—JUNCTION CITY.

AN ACT to enable the city of Junction City, Kansas, to issue bonds to increase its water supply.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the mayor and city council of the city of Junction City, in Davis county, Kansas, be and they are hereby authorized and empowered to issue the bonds of said city, not to exceed in amount the sum of fifteen thousand dollars, for the purpose of increasing the water supply of said city.

SEC. 2. Said bonds shall draw interest at six per cent., and shall not be sold for less than par.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXVII.

## BONDS FOR FAIRS—SALINE COUNTY.

AN ACT to authorize the County Commissioners of Saline county to issue bonds of said county in the sum of thirty thousand dollars (\$30,000), for the purpose of the purchase, inclosing and improvement of additional ground for the purpose of holding fairs, and other purposes.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of Saline county, Kansas, are hereby authorized to issue the bonds of said county in the sum of thirty thousand dollars (\$30,000), to be expended by said board of county commissioners for the purpose of purchasing, inclosing and improvement of a tract of land adjacent to the present fair grounds of said county, for the purpose of enlarging the same: *Provided*, That said county commissioners of Saline county shall not issue the said bonds, or appropriate said sum for said purpose mentioned in this section, until a majority of the electors of said county voting on the question shall have voted to issue said bonds at a general or special election.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER LXVIII.

## BONDS FOR SHERIDAN COUNTY MILLING COMPANY.

AN ACT to authorize the township of Valley, in Sheridan county, to vote bonds and subscribe to the capital stock of the Sheridan County Milling Company.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the township of Valley, in Sheridan county, is hereby authorized to issue the bonds of said township, not exceeding fifteen thousand dollars, and to subscribe for stock in said corporation, and pay for the same with said bonds; said bonds to draw not exceeding six per cent. interest per annum, and to be payable in not less than twenty nor more than thirty years: *Provided*, That said stock shall not be subscribed or bonds issued until authorized by *three-fifths* of the votes cast by the electors of said township, at an election to be held under the general election laws of the state of Kansas, to be held on the first day of May, A.D. 1889, or at any subsequent time, upon a petition of two-fifths of the legal voters, called in like manner as provided by law to aid railroads.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 22, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXIX.

## RELIEF BOND—CITY OF ELLSWORTH.

AN ACT authorizing the city of Ellsworth to issue bonds for the relief of certain citizens thereof.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The city of Ellsworth is hereby authorized to issue bonds of said city in a sum not exceeding nine thousand dollars, for the purpose of reimbursing certain citizens thereof, who contributed that amount for the purchasing of lands adjacent to said city, and donated the same to the Grand Army of the Republic of the department of Kansas, for reunion purposes.

Mayor and council, duties of.

SEC. 2. It shall be the duty of the mayor and council of said city to submit a proposition to the electors of said city for the issue of said bonds to be voted upon at an election to be held for that purpose, which election shall be held and conducted as other elections.

Bonds not to exceed.

SEC. 3. If upon the canvass of the returns of said election it appears that a majority of the electors voting at such election are in favor of said proposition, it shall be the duty of the mayor and city clerk of said city to issue the bonds of said city in a sum not exceeding nine thousand dollars, and in denominations not greater than one thousand dollars each, which bonds shall not run longer than thirty years; and any part or all of said bonds may be paid at any time after the expiration of five years, and shall not draw interest at a rate greater than six per cent. per annum. The proceeds of said bonds to be applied, dollar for dollar, in reimbursing the persons who paid for such lands.

Shall not run longer.

To levy tax.

SEC. 4. It shall be the duty of the mayor and council of said city to provide annually for a tax to pay the interest on such bonds as may be issued under the provisions of this act, and for a sinking fund to pay said bonds at maturity, said taxes to be levied and collected in the manner prescribed by law for the levy and collection of other city taxes.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER LXX.

### PROSPECTING BONDS, JEFFERSON COUNTY.

AN ACT authorizing Oskaloosa township, in Jefferson county and Sylvia township, in Reno county, to vote bonds not to exceed five thousand dollars each, for the purpose of prospecting for coal, gas, or salt.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the township trustee, treasurer and clerk of Oskaloosa township, in Jefferson county, Kansas, and Sylvia township, Reno county, be and they are hereby authorized and empowered to issue bonds of said township not to exceed in amount the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of prospecting for coal in the cities of Oskaloosa and Sylvia, respectively, and vicinities in said townships. Bonds not to exceed.

SEC. 2. That said bonds shall be issued in sums of not less than fifty dollars each, payable in not to exceed five years, and at the pleasure of said townships after one year, and drawing interest at the rate of not to exceed seven per cent. per annum, payable semi-annually on the first days of January and July in each year at the offices of the treasurers of Jefferson and Reno counties: *Provided*, That said bonds shall not be sold or otherwise disposed of for less than par. Issued in sums not less.

SEC. 3. Said bonds shall not be issued until the question of their issue shall be submitted at an election held for the purpose, which election shall be conducted in conformity with the general election laws of the state of Kansas. The time of holding such election shall be designated by said trustees, treasurers and clerks, or a majority of them, who shall give notice of the time of holding such election by posting written or printed notices thereof in at least five public places in said Notice.

Notice to contain.

townships, and by publishing the same for four consecutive weeks in some weekly paper published in said townships, or if none be published therein, then in a paper of general circulation published in the counties. Said notices shall contain a statement of the purpose for which and the conditions on which the bonds are to be issued under this act.

SEC. 4. Each elector at such election shall be permitted to vote by depositing a ballot written or printed thereon, "For township coal, gas or salt prospecting bonds," or, "Against township coal, gas or salt prospecting bonds;" and if a majority of legal votes cast as above provided shall be for the bonds, the said bonds shall be issued, and not otherwise.

Shall be unlawful for.

SEC. 5. That any bonds that may be issued under and by virtue of this act shall be immediately deposited by the respective treasurer with the treasurers of Jefferson and Reno counties, to be sold by said county treasurers at not less than par, and the proceeds thereof duly credited to said townships under the proper heading; and it shall be unlawful for said county treasurers to pay out any of the proceeds of said fund, except upon an order of the clerk and treasurer of said townships, approved by the township trustee; said order to be in writing, stating the purpose for which it was drawn.

Commissioners shall levy.

SEC. 6. The board of county commissioners of Jefferson and Reno counties shall levy annually such a per cent. on taxable property of said townships as shall be sufficient to pay the interest on all bonds issued under the provisions of this act as the same shall accrue, and to provide a sinking fund for the payment of said bonds.

SEC. 7. The bonds issued under the provisions of this act and the coupons thereto attached shall be signed by the trustee, treasurer and clerk of said townships, and shall be registered by the clerks of said townships and by the county clerks of Jefferson and Reno counties, in books kept in their offices for such purposes.

SEC. 8. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXI.

## FUNDING BONDS, CITY OF BAXTER SPRINGS.

AN ACT to enable the city of Baxter Springs, in Cherokee county, to issue bonds to fund the city indebtedness.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The mayor and councilmen of the city of Baxter Springs are hereby authorized to issue the bonds of said city in an amount not to exceed ten thousand dollars; said bonds to be used for the redemption of the outstanding orders, accounts and warrants of said city.

SEC. 2. Said bonds to be issued in sums of not more than five hundred dollars nor less than one hundred dollars each, and shall be payable to bearer at the fiscal agency of the state of Kansas, in the city of New York, and run not less than ten nor more than thirty years from date thereof, and shall bear interest at a rate not to exceed seven per cent. per annum, payable semi-annually, for which interest coupons shall be attached to said bonds, payable to bearer at the fiscal agency of the state of Kansas, in the city of New York, on the first days of February and August of each year; and each of said bonds and coupons shall be signed by the mayor of said city, and countersigned by the city clerk, and have the city seal affixed thereto, and shall be registered by the county clerk in a book kept for that purpose.

Bonds to be issued.

Bonds to be signed by.

SEC. 3. The mayor and councilmen of said city shall levy annually upon the taxable property of said city, in addition to the levies authorized for other purposes, a sum sufficient to pay the interest on all bonds issued under the provisions of this act; and shall also levy a sufficient sum, in addition to all other levies, to provide a sinking fund for the redemption of the same at maturity: *Provided*, That no levy shall be made for a sinking fund until at least one-half the time for which said bonds are to run has expired, and the money raised for said sinking fund may be used for the purchase of any of said bonds.

Mayor and councilmen shall levy.

SEC. 4. Neither the restrictions and limitations contained in chapter thirty-nine, Laws of 1874, nor those contained in

chapter thirty-nine, Laws of 1875, nor the restrictions and limitations contained in any other statute heretofore enacted, shall apply to or in any manner affect the bonds under this act.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXXII.

### BRIDGE AT BONNER SPRINGS.

AN ACT to provide for the erection of a bridge across the Kansas river at Bonner Springs, in Wyandotte county, Kansas, and authorizing the Board of County Commissioners of Wyandotte county to issue bonds in payment therefor.

*Be it enacted by the Legislature of the State of Kansas:*

Notice.

SECTION 1. That the board of county commissioners of the county of Wyandotte be and is hereby authorized immediately after the taking effect of this act, to advertise for proposals for the construction of a bridge across the Kansas river at Bonner Springs, in Wyandotte county, having first given ten days' notice declaring it necessary to build said bridge, and having first had prepared the plans and specifications therefor, and shall let the contract for the construction to the lowest and most responsible bidder, and shall take from such contractor a good and sufficient bond for the faithful compliance with the contract so made with him, at a cost to said county not exceeding the sum of fifteen thousand dollars: *Provided*, That no bonds shall be issued under this act until the further sum of fifteen thousand dollars has been paid into the county treasury, to aid in paying for the construction of said bridge.

SEC. 2. In order to pay the contract price for the erection of such bridge, as herein provided, the said county commissioners shall issue the bonds of said county, not exceeding the sum of fifteen thousand dollars, which bonds shall bear interest at a rate not exceeding six per cent. per annum; and it shall be the duty of said board of county commissioners, annually at the time of levying other taxes, to levy an amount each year to pay the interest on said bonds as the same shall become due, and also before the date of maturity of each bond to levy a tax for the final redemption of all such bonds as they shall severally become due; and all moneys realized under a sale of such bonds shall be a special fund called the "Bonner Springs bridge fund," and shall be appropriated only for the purposes hereinbefore specified: *Provided*, That no bonds issued in pursuance of this act shall be sold for less than their par value, nor shall bonds be issued under this act to an amount exceeding the sum of fifteen thousand dollars.

Commissioners shall issue.

Levy tax.

An amount exceeding.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXIII.

### WATER-WORKS BONDS, HALSTEAD—LIMITING TIME.

AN ACT limiting time for issuing certain water-works bonds of the city of Halstead, Kansas, and authorizing the appropriation of interest collected to other purposes.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the time for issuing certain bonds of the city of Halstead, Kansas, to aid in the construction of water works within said city, and to defray the cost and expense of constructing and operating water works for the purpose of

supplying the inhabitants of said city with water, authorized by a vote of the people at a special election held for that purpose on the fourth day of June, A. D. 1887, be limited to the fifteenth day of March, 1889; and that if such bonds are not issued prior to that time, they shall not be issued thereafter: *Provided*, That nothing herein contained shall be construed into a legalization of said election, nor to prevent the authorities of said city from issuing bonds for such purpose, provided such action shall hereafter be authorized by a vote of the people of said city, at an election duly authorized and held for that purpose.

SEC. 2. That the mayor and council of said city are hereby authorized to appropriate the money collected for interest on said bonds, in the year 1888, to the purposes designated in chapter 114, Laws of 1887, and the appropriation thereof to said purposes is hereby legalized.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 22, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXIV.

### BONDS FOR MACADAMIZING ROADS IN CHASE COUNTY.

AN ACT authorizing Falls township, in Chase county, Kansas, to vote bonds for the purpose of making and improving and macadamizing the county road between the city of Cottonwood Falls and Strong City, and the bridges and culverts thereon.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That Falls township, in Chase county, Kansas, is hereby authorized to issue and sell its bonds, not to exceed the sum of ten thousand dollars, for the purpose of making and improving and macadamizing the county road between



the city of Cottonwood Falls and Strong City, and the bridges and culverts thereon, in Chase county, Kansas.

SEC. 2. That said bonds shall be issued in sums not less than one hundred dollars, each payable in two, three, four, five years, drawing interest at a rate not to exceed six per cent. per annum, payable annually on the first day of July in each year at the office of the treasurer of Chase county: *Provided*, That none of said bonds shall be sold at less than par value: *And provided further*, That no part of said purchase-money for said bonds shall be paid in township orders or other evidences of indebtedness. Bonds to be not less.

SEC. 3. The board of county commissioners of Chase county shall, upon recommendation of the township trustee of Falls township, levy annually such a per cent. on the taxable property of said township as shall be sufficient to pay the interest on all such bonds issued under the provisions of this act as the same shall accrue; also to levy a tax sufficient for the redemption of the bonds when due; and the money so collected shall be applied to the payment of said interest and bonds as the same become due, and for no other purpose. Levy a tax.  
Bonds issued.

SEC. 4. The bonds issued under the provisions of this act shall be signed by the township trustee, township treasurer, township clerk, by said clerk registered in a book kept for that purpose; and when any bonds so issued shall have been sold, the proceeds of such sale shall be paid over to the county treasurer, and be by him disbursed for the purpose hereinbefore specified and for no other.

SEC. 5. That whenever thirty of the legal electors of said township shall petition the board of county commissioners to order an election for said bonds, which petition shall state the amount of bonds to be issued, it shall be the duty of said county commissioners within ten days to give notice of the time of holding such election by publication for four consecutive weeks in some newspaper of general circulation in said township, said notice to contain the purpose for which said bonds are to be issued under this act, and the amount of bonds to be issued. When election may be called.  
Notice.

SEC. 6. That each elector at such election shall be permitted to vote by depositing a written or printed ballot inscribed "For improvement bonds," or "Against improvement bonds," and if a majority of the legal votes cast at such election shall A majority of.

be for the bonds, the said bonds shall be issued, and not otherwise.

SEC. 7. This act shall take effect and be in force from and after its publication in the official state paper and the official county paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXXV.

### PROSPECTING BONDS FOR CASTLETON TOWNSHIP, RENO COUNTY.

AN Act authorizing Castleton township, in Reno county, to issue bonds not to exceed fifteen hundred dollars, for the purpose of prospecting for coal and other minerals.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The township of Castleton, in the county of Reno, is hereby authorized to issue its bonds in the sum of fifteen hundred dollars, for the purpose of sinking a shaft or boring a well to develop the natural resources of said township, and prospecting for coal, salt, gas, or minerals. Such bonds shall be issued in the denomination of one hundred dollars each, shall bear interest at the rate of six per cent. per annum, with semi-annual interest coupons attached, and shall be made payable at the office of the county treasurer of Reno county, Kansas, and shall become due twenty years after date: *Provided, however,* That said bonds, at the option of said township, shall become due and payable ten years after date thereof. Said bonds shall be signed by the chairman of board of county commissioners, and attested by the clerk of said county.

Bonds shall be signed.

SEC. 2. Before any bonds as provided in section one of this act shall be issued, the same shall be authorized by a majority

of the qualified electors of said township voting at an election held for such purpose, which election shall be held and conducted in the manner now provided by law for the holding of township elections: Those voting in favor of such issue of bonds shall have written or printed on their ballots the words, "For the bonds," and those voting against the same shall have written or printed on their ballots, "Against the bonds."

SEC. 3. It shall be the duty of the board of county commissioners immediately upon the taking effect of this act to call an election in said township for the purpose specified in this act, designating a day therefor not less than twenty days from the date of such order, and shall cause public notice thereof to be given in some newspaper of general circulation in said township for at least twenty days prior to said election.

Commissioners,  
duty of.

SEC. 4. Such bonds when issued may be sold at not less than ninety-five cents on the dollar, and the proceeds thereof shall be paid into the treasury of said township, to be expended in the manner and for the purposes named in this act.

Sold at not less.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXVI.

### BONDS—SALE OF CERTAIN MUNICIPAL.

AN ACT to amend section one, chapter fifty-eight of the Session Laws of 1887, being "An act providing for the sale of certain municipal bonds to the Board of Commissioners of the State permanent school fund in certain cases, and prescribing a punishment for the violation of this act," and for the repeal of said section.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter fifty-eight of the laws of 1887, entitled "An act providing for the sale of certain

Commissioners  
and boards,  
duties of.

Unlawful for.

Shall be guilty  
of.

municipal bonds to the board of commissioners of the state permanent school fund in certain cases, and prescribing a punishment for the violation of this act," be so amended as to read as follows: Section 1. That the several boards of county commissioners, boards of education of cities of the first and second class, and the officers of school districts and townships, and all other municipal officers who have charge of the sale of any bonds which the board of commissioner of the state permanent school fund or the loan commissioner of the State Agricultural College are authorized to purchase under the law, are hereby directed to sell such bonds to said board of commissioners of the state permanent school fund or the loan commissioner of the State Agricultural College, unless they can obtain a higher price therefor from other persons; and it shall be unlawful for any such municipal boards, members thereof, or other municipal officers, to sell any such bonds at par or less than par without having first offered such bonds to said board of commissioners of the state permanent school fund and the loan commissioner of the State Agricultural College; and every municipal board or member thereof, or other municipal officer, who shall sell any such bonds to any other person at par, or for a sum less than par with interest accrued thereon to date of delivery of same, without having first given the board of commissioners of the state permanent school fund and the loan commissioner of the State Agricultural College an opportunity to purchase same at par, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months.

SEC. 2. That section one of said chapter fifty-eight of the session laws of 1887 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXVII.

## BRIDGE BONDS—JACKSON TOWNSHIP, RILEY COUNTY.

AN Act authorizing Jackson township, in Riley county, to issue bonds for the purpose of constructing a bridge across Blue river, between said Jackson township, in said county, and Blue Valley township, in Pottawatomie county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the township of Jackson, in the county of Riley, be and the same is hereby authorized to issue its bonds in any sum not exceeding four thousand dollars (\$4,000), for the purpose of constructing a bridge across the Blue river, as follows: The said bridge to be built jointly by Jackson township, Riley county, and Blue Valley township, Pottawatomie county, on, or as near on as practicable, the section line between sections twelve (12) and thirteen (13), township seven (7) south, range six (6), east of the sixth principal meridian.

SEC. 2. The manner of issuing said bonds shall be in all respects as now provided by law, save and except said bonds shall be issued upon a majority of the electors voting in favor of said proposition.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXVIII.

## ISSUE BONDS AND LEGALIZE ELECTION.

AN ACT to legalize an election held in the city of Independence, Montgomery county, Kansas, and to authorize the issue of bonds voted at said election.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The election held in the city of Independence, Montgomery county, Kansas, on the ninth day of March, 1886, to authorize the issue of bonds of said city for the purpose of aiding in the building of a county court house and county jail in said city and county, is hereby legalized; and the mayor and council of said city are hereby authorized and empowered to issue the bonds of said city under the terms and conditions of said election, and such bonds when so issued are hereby made valid the same as if they had been issued under all the provisions, restrictions and limitations of the law governing the voting and issuing of bonds; and the auditor of state is hereby authorized and directed to register such bonds as provided by law.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXIX.

## BRIDGE BONDS—SWEDE CREEK TOWNSHIP, RILEY COUNTY.

AN ACT to authorize Swede Creek township, in Riley county, to issue bonds for the erection of a bridge over the Blue river.

*Be it enacted by the Legislature of the State of Kansas:*

Not exceeding.

SECTION 1. That the trustee, clerk and treasurer of Swede Creek township, in Riley county, are hereby authorized to

issue the bonds of said township not exceeding in amount the sum of three thousand dollars, or so much thereof as may be necessary, for the purpose of aiding in building a bridge across the Blue river, in section fifteen, township six, range seven east, Riley county, in sums of not less than five hundred dollars each, which bonds shall have interest coupons attached, and shall draw interest at not more than six per cent. per annum, payable semi-annually, on the first days of February and August of each year. Each bond shall be signed by the trustee of said township, and countersigned by the clerk, and shall specify thereon to whom the same shall be made payable, and shall be made payable in not more than twenty years from the date of said bonds, at the fiscal agency in New York city.

SEC. 2. That before said bonds shall be issued, or sold, <sup>OR Election to be called.</sup> negotiated, the question of issuing the same shall be submitted to the qualified electors of said township, at a special election to be called for that purpose, the question to be submitted by the board in accordance with the statute in such case made and provided for issuing bonds to build bridges; and if a majority of the votes cast at such election shall be in favor of the issuance of said bonds, then said township shall be fully authorized to issue, negotiate and dispose of said bonds, and enter into contract for the construction of said bridge: *Providing*, That said bonds shall not be sold for less than par value.

SEC. 3. Said township shall levy annually such a per cent. on the taxable property in said township as shall be necessary to pay the interest on said bonds as the same become due, and shall also create a sinking fund for the final redemption of said bonds, and certify such annual levies to the board of county commissioners of said county.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 26, 1888. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXX.

## BONDS LEGALIZED IN HODGEMAN COUNTY.

AN ACT to legalize certain bonds voted for at an election held in Hodgeman county on November 6, 1888, for the purchase of a poor-farm.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county bonds to the amount of five thousand dollars for the purchase of a poor-farm, voted for at the election held in Hodgeman county on the sixth day of November, A. D. 1888, and the acts of the commissioners of said county in issuing said bonds, be and the same are hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 26, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXI.

## BRIDGE BONDS—CHICASKIA TOWNSHIP, KINGMAN COUNTY.

AN ACT to authorize the township of Chicaskia, in the county of Kingman, to vote certain bonds for the purpose of building a bridge across the Chicaskia river, in said township.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The township of Chicaskia, in the county of Kingman, is hereby authorized to issue its bonds in the sum of ten thousand dollars (\$10,000), for the purpose of constructing a bridge across the Chicaskia river, in the township of Chicaskia, in said county.

SEC. 2. Immediately upon the taking effect of this act, it



shall be the duty of the board of county commissioners of Kingman county to submit to the qualified electors of said township of Chicaskia a proposition to vote the amount of bonds authorized in section one of this act, for the purpose therein specified; and in such submission it shall be their duty to fix a time and place for holding said election, and shall cause two weeks' notice thereof to be given by publication in the official paper of said county, and said election shall thereafter, at the time and place so provided for, be held in the manner provided for holding general elections. The form of ballot used at said election shall be, "For the bonds," and "Against the bonds."

Commissioners,  
duties of.

Notice to be  
given.

SEC. 3. If, upon a canvass of the votes cast at said election, it shall be found and determined by the board of county commissioners that a majority of all the votes cast at such election shall be in favor of the bonds, it shall be the duty of said board of county commissioners to issue the bonds of said township provided for in section one of this act.

SEC. 4. The bonds herein provided for shall be of the denomination of one thousand dollars (\$1,000), each falling due twenty years from the first day of January, 1889, and shall bear six per cent. interest per annum, with semi-annual interest coupons attached. Said bonds and coupons shall be signed by the board of county commissioners and attested by the county clerk. Said bonds may thereupon be sold and disposed of, and the proceeds applied to the construction of said bridge, or may be delivered to the person or persons contracting such construction.

Bonds shall be  
of.

SEC. 5. It shall be the duty of the board of county commissioners annually, at the time of levying taxes for general purposes, to levy in addition thereto a tax upon all the assessable property, a sum sufficient to pay the interest coupons upon said bonds, and after the expiration of ten years to provide a sinking fund sufficient to pay said bonds at their maturity.

Levy a tax.

SEC. 6. It shall be the duty of the board of county commissioners to contract with some responsible person or persons for the construction of such bridge at some convenient point upon the Chicaskia river in said township, the location thereof to be determined by the board of county commissioners; and in the awarding of the contract for such construction it shall be the duty of the county commissioners to specify the kind,

Location thereof  
to be.

length and quality of bridge to be constructed, and they shall require the person contracting for the construction of the same to enter into a bond, with sureties to be approved by the county clerk, in the sum of twenty thousand dollars (\$20,000), conditional upon the faithful performance of the contract.

SEC. 7. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXII.

### BRIDGE BONDS—BLUE TOWNSHIP, POTTAWATOMIE COUNTY.

AN Act authorizing the township of Blue, in Pottawatomie county, Kansas, to issue bonds to aid in building a bridge across the Big Blue river.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the township board of Blue township, in Pottawatomie county, is hereby authorized to issue the bonds of said township, not exceeding in amount the sum of seven thousand dollars, or so much thereof as may be necessary, for the purpose of aiding in building a bridge across the Big Blue river, on the line between lots 9 and 10 and 14 and 13, in section 30, township 9, range 8, Pottawatomie county, and Wyandotte Reserve No. 3, in Riley county, in sums of not less than five hundred dollars each, which bonds shall have interest coupons attached, and shall draw interest at not more than six per cent. per annum, payable semi-annually on the first day of February and August of each year. Each bond shall be signed by the trustee of said township and countersigned by the clerk, and shall specify thereon to whom the same shall be made payable, and shall be made payable in not more than twenty years from the date of said bonds, at the fiscal agency in New York city.

Bonds to be  
signed.

SEC. 2. That before said bonds shall be issued or sold or negotiated, the question of issuing the same shall be submitted to the qualified electors of said township, at a general election or special election to be called for that purpose; the question to be submitted by the board in accordance with the statute in such case made and provided for issuing bonds to build bridges; and if a majority of the votes cast at such election shall be in favor of the issuance of said bonds, then said township shall be fully authorized to issue, negotiate and dispose of said bonds, and enter into contract for the construction of said bridge: *Providing*, That said bonds shall not be sold for less than their par value. Bonds shall not be.

SEC. 3. Said township shall levy annually such a per cent. on all the taxable property in said township as shall be necessary to pay the interest on said bonds as the same becomes due, and shall also create a sinking fund for the final redemption of said bonds, and certify such annual levies to the board of county commissioners of said county.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXXXIII.

### BONDS—WATER WORKS, CITY OF DEXTER.

AN ACT to authorize the city of Dexter to issue bonds for the purpose of constructing water works.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the city of Dexter, in the county of Cowley, be and it is hereby authorized to issue the bonds of said city in any sum not exceeding fifteen thousand dollars, for the purpose of constructing water works for supplying the inhabitants

of said city with water for domestic use, the extinguishment of fires, and for manufacturing and other purposes.

SEC. 2. That said bonds shall bear interest at not exceeding seven per cent. per annum, and made payable in not more than twenty years: *Provided*, That such bonds shall not be issued until the issue thereof has been authorized by a majority of the legal voters of such city voting at an election to be called for that purpose by the mayor and councilmen of said city: *And provided further*, That notice of such election shall be given by the mayor, and notice to be published three times in some weekly newspaper published in said city or of general circulation therein.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXIV.

### BONDS—CAMPBELL UNIVERSITY, HOLTON, JACKSON COUNTY.

AN ACT to authorize the city of Holton, in Jackson county, Kansas, to vote and issue bonds in any sum not exceeding fifteen thousand dollars, for the purpose of improving, and enlarging the Campbell University building.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the mayor and council of the city of Holton, in Jackson county, Kansas, be and they are hereby authorized and empowered to issue the bonds of said city, not to exceed in amount the sum of fifteen thousand dollars, for the purpose of improving and enlarging the Campbell University buildings, located in Holton, Kansas.

SEC. 2. That said bonds shall not be issued until the question of issuing them shall have been submitted to the electors

of said city at a regular election, held for the election of city officers; such vote to be taken within five years from the date of the taking effect of this act: *Provided*, That no vote shall be taken until the city council shall so determine by resolution, and the notice of such vote shall have been given for the same time and in the same manner as required for the election of city officers, and the resolution and notice shall state the amount of bonds proposed to be issued. If there shall not be a majority of the votes in favor of the issue of the bonds, the question may be resubmitted at any general election during the said five years.

Notice.

SEC. 3. That if a majority of the votes cast upon said proposition shall be in favor of the issuance of said bonds, the mayor and council shall, by resolution, cause said bonds to be issued in denominations of not less than one hundred dollars nor more than one thousand dollars; such bonds shall not run longer than twenty-five years nor less than twenty years from date of issue, and shall bear interest at the rate of six per cent. per annum; interest payable semi-annually on the first days of January and July of each year. Said bonds shall be made payable to bearer, and signed by the mayor of the city and attested by the city clerk with his seal attached; and when the bonds are so issued they shall be negotiable and payable at the place specified in the bonds.

Mayor and council shall.

SEC. 4. When said bonds are issued they shall be delivered to the treasurer of the board of directors of the Campbell University aforesaid, and shall be disposed of in such manner as the board of directors of the Campbell University may direct, at not less than their par value; and the proceeds arising therefrom shall be applied, under the direction of said board or their successors, in the making of improvements and additions to the said university buildings.

Bonds shall be delivered.

SEC. 5. Whenever any of such bonds shall be negotiated or disposed of as above provided, interest coupons thereon up to the date of such disposal shall be canceled, so that the said bonds shall in fact only bear interest from the date of the actual negotiation and sale thereof; and whenever any of said bonds are sold as above provided, it shall be the duty of the secretary of the board of directors of the Campbell University aforesaid, within ten days thereafter, to make and file with the clerk of said city of Holton, a report in writing showing the amount of said sales, to whom sold, and the date

Secretary, duty of.

Levy tax.

of such sales; and thereafter, and at the same time other taxes are levied, the mayor and council shall levy a tax sufficient to pay the interest on said bonds as the same becomes due, and shall also levy a tax sufficient to pay the principal sums as they fall due.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXV.

### BONDS—WATER WORKS AT HIAWATHA.

AN ACT to enable the city of Hiawatha, Brown county, Kansas, to issue additional bonds to complete the system of water works now under construction.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. It shall be lawful for the city of Hiawatha, Brown county, Kansas, to issue bonds in and for the amount of twenty-five thousand dollars for the purpose of completing the system of water works under construction in said city; *Provided*, That such bonds shall not be issued until authorized by a majority of the legal voters of said city, at an election to be held under the general election laws of the state of Kansas, to be held at such a time as may be set by the mayor and council of said city of Hiawatha, Kansas: *Provided further*, That such election shall not be called until a petition be presented to the said city council, signed by two-fifths of the taxpayers of said city, and after notice shall have been given by publication in said city in like manner as is provided in the issue of other bonds.

When election  
may be called.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXVI.

### BONDS—ST. JOHN TOWNSHIP, STAFFORD COUNTY.

AN Act to enable the township of St. John, Stafford county, Kansas, to vote bonds as herein provided.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the township trustee, treasurer, and clerk of St. John township, in Stafford county, Kansas, be and they are hereby authorized and empowered to issue the bonds of said township, not to exceed in amount the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of prospecting for coal, salt, oil, natural gas, etc., in the city of St. John and vicinity, in said township. May issue bonds not to exceed.

SEC. 2. That said bonds shall be issued in sums of not less than fifty dollars each, payable in not to exceed twenty years and at the pleasure of said township after ten years, and drawing interest at the rate of not to exceed seven per cent. per annum, payable semi-annually on the first days of January and July in each year at the fiscal agency for the state of Kansas, in New York city: *Provided*, That said bonds shall not be sold at less than par. Bonds to be not less. Rate of interest. Proviso.

SEC. 3. Said bonds shall not be issued until the question of issuing them shall be submitted at an election held for the purpose, which election shall be conducted in conformity with the general election laws of the state of Kansas. The time of holding such election shall be designated by said trustee, treasurer and clerk, or a majority of them, who shall give notice of the time and place of holding such election by posting written or printed notice thereof in at least five public places in said township, and by publishing the same for four consecutive weeks in some weekly paper published in said township; said Time of election. Notice.

notice shall contain a statement of the purpose for which and the condition on which the bonds are to be issued under this act.

SEC. 4. Each elector of such election shall be permitted to vote by depositing a ballot written or printed thereon "For township coal, oil, and salt prospecting bonds," or "Against township coal, oil, and salt prospecting bonds;" and if a majority of legal votes cast as above provided shall be for the bonds, the said bonds shall be issued, and not otherwise.

Duty of commissioners.

SEC. 5. The board of county commissioners of Stafford county shall levy annually such a per cent. on all taxable property of said township as shall be sufficient to pay the interest on all bonds issued under the provisions of this act as the same shall accrue, and to provide a sinking fund for the payment of said bonds.

Shall be registered.

SEC. 6. The bonds issued under the provisions of this act, and the coupons thereto attached, shall be signed by the trustee, treasurer and clerk of said township, and shall be registered by the clerk of said township, and by the county clerk of Stafford county in books kept in his office for such purpose.

SEC. 7. This act shall take effect and be in force from and after its publication in the *St. John News*.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *St. John News* March 29, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXVII.

### BONDS—BRIDGES IN SHAWNEE COUNTY.

AN ACT to provide for the erection of bridges across the Kansas river in Shawnee county, Kansas, and authorizing the Board of County Commissioners of said county to issue bonds in payment therefor.

*Be it enacted by the Legislature of the State of Kansas:*

May issue bonds.

SECTION 1. That the board of county commissioners of Shawnee county are hereby authorized, immediately after the



taking effect of this act, to call an election submitting a proposition to the voters of said county to issue bonds to raise funds for the construction of bridges across the Kansas river in said county; said board shall cause a notice of said proposition to be published in the official county paper for ten consecutive days immediately preceding the date of said election. Notice of. If a majority of the votes cast at said election be in favor of said proposition, then said board of county commissioners shall have prepared general plans and specifications for said bridge, and shall then advertise for thirty days in the official county paper for sealed proposals for the construction of said bridges, and shall award the construction thereof to the lowest responsible bidder, and shall take from such contractor or contractors a good and sufficient bond for the faithful compliance with the contract so made with him or them.

SEC. 2. In order to pay for the erection of said bridges, the said board of county commissioners shall issue the bonds of said county, with semi-annual interest coupons attached, which bonds shall mature in not less than ten nor more than thirty years from the date of the issuance thereof, and shall bear interest at a rate not to exceed five per cent. per annum; and it shall be the duty of said board of county commissioners annually, at the time of levying other taxes, to levy an amount each year to pay the interest as the same shall become due, and also, before the date of maturity of said bonds, to levy a tax for the final redemption of said bonds; and all moneys realized from the sale of said bonds shall be a special fund Rate of interest. called "the Kansas river bridge fund," and shall be appropriated only for the purposes hereinbefore specified: *Provided*, Duty of commissioners. That no bonds issued in pursuance of this act shall be sold for less than their par value, nor shall bonds be issued under this act to an amount exceeding two hundred and fifty thousand dollars: *Provided*, Appropriated only. That said bridge shall remain under the charge and control of the board of county commissioners of Shawnee county, and such commissioners shall have power to appoint a superintendent for the construction of such bridge and to fix his salary: *Provided further*, Proviso. That not more than two hundred thousand dollars of the fund arising from the tax so levied shall be applied for and in the construction of a bridge across said river on Kansas avenue, in the city of Topeka, and that the remaining sum of fifty thousand dollars, or so much thereof as may be necessary, shall be applied in Amount of.

Located.

the reërection of the present bridge on Kansas avenue at some other point as hereinafter provided, and the construction of one additional bridge across said Kansas river; the said two bridges to be located by the board of county commissioners of said county at such places on said river as will best contribute to the accommodation of the people of said county between the west limits of the city of Topeka and the west line of the county.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER LXXXVIII.

### PROSPECTING BONDS—GOVE TOWNSHIP, GOVE COUNTY.

AN Act empowering Gove township, Gove county, Kansas, to vote bonds in the sum not to exceed eight thousand dollars (\$8,000), for the purpose for prospecting for coal and salt, and purchasing or leasing the necessary land and machinery for such purpose.

*Be it enacted by the Legislature of the State of Kansas:*

May issue bonds.

SECTION 1. That the township trustee, treasurer and clerk of Gove township, in Gove county, Kansas, be and are hereby authorized and empowered to issue the bonds of said township, not to exceed in amount the sum of eight thousand dollars (\$8,000), the proceeds resulting from the sale of the same to be used and expended by said township in prospecting for coal and salt in Gove township, Kansas, and in purchasing or leasing the necessary land and machinery for such purpose.

Sums not less.

SEC. 2. That said bonds shall be issued in sums of not less than fifty dollars (\$50) each, payable in not to exceed ten years, and at the pleasure of said township after five years,

Rate of interest.

and drawing interest at the rate of not to exceed seven per

cent. per annum, payable semi-annually on the first days of January and July of each year, at the office of the treasurer of Gove county, Kansas: *Provided*, That said bonds shall not be sold at less than ninety-five per cent. of their face value.

SEC. 3. Said bonds shall not be issued till the question of <sup>Election.</sup> issuing them be submitted at an election held for that purpose, which election shall be conducted in conformity with the general election laws of the state of Kansas. The time of holding such election shall be designated by said trustee, treasurer and clerk, or a majority of them, who shall give notice thereof in at least five public places in said township, and by publishing the same for two consecutive weeks in some weekly paper published in said township. Said notices shall contain a statement of the purpose for which and the conditions on which the bonds are to be issued under this act.

SEC. 4. Each elector at such election shall be permitted to vote by depositing a ballot, written or printed thereon, "For township coal and salt prospecting bonds," or, "Against township coal and salt prospecting bonds;" and if a majority of the regular votes cast, as above provided, shall be for the bonds, the said bonds shall be issued, and not otherwise.

SEC. 5. The board of county commissioners of Gove county, <sup>Commissioners shall.</sup> Kansas, shall levy annually such a per cent. on taxable property of said township as shall be sufficient to pay the interest on all bonds issued under the provisions of this act as the same shall accrue, and to provide a sinking fund for the payment of said bonds.

SEC. 6. The bonds issued under the provisions of this act and the coupons thereto attached shall be signed by the trustee, treasurer and clerk of said township, and shall be registered by the clerk of said township, and the county clerk of Gove county, in books kept in their offices for such purposes.

SEC. 7. Provided the powers conferred under and by this act shall be exercised by the township board of Gove township, such board to consist of the township trustee, clerk and treasurer of Gove township.

SEC. 8. This act shall take effect and be in force from and after its publication in the *Gove County Gazette* and the *Gove County Republican*, and official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office,

that the same was published in the *Gove County Gazette* and the *Gove County Republican*, March 15, 1889; and in the official state paper, March 9, 1889.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER LXXXIX.

### BOUNTY FOR CROW SCALPS.

AN ACT to authorize and empower the Board of County Commissioners of Crawford county to offer a bounty for crow scalps.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of Crawford county, in the state of Kansas, may in their discretion offer as a bounty for crow scalps such sum as they may deem necessary and effective in destroying said pests, said bounty to be paid as in other claims made and provided: *Provided*, That in no case shall any person receive any bounty for crow scalps unless he deliver to such board of county commissioners the scalps of such crows. And in no case shall the county commissioners issue an order for such crows' scalps for a less sum than the aggregate price of ten crow scalps, as provided by such board of county commissioners.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XC.

## BOUNTY ON CERTAIN WILD ANIMALS.

AN Act authorizing a bounty upon wolf, coyote, wild-cat, fox and rabbit scalps, and to repeal chapter 73, Laws of 1885, and all other laws in conflict herewith.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county commissioners of the several counties within the state may issue county warrants to the person killing in any amount not exceeding three dollars for every wolf, coyote, wild-cat and fox, and five cents for each rabbit, that shall be captured and killed within said county. May issue warrants.

SEC. 2. No person shall be entitled to receive any bounty as set forth in section one without first making it appear by positive proof by affidavit in writing, filed with the county clerk, that the wolf, coyote, wild-cat, rabbit or fox was captured and killed within the limits of the county in which application is made. Proof.

SEC. 3. Whenever bounty for any of the animals as set forth in section one is awarded, the person to whom it is awarded shall deliver the scalp of the animal, containing both ears, to the county clerk of the county, who shall cause the same to be destroyed. This act shall not apply to counties having a total property valuation of less than five hundred thousand dollars. This act shall not.

SEC. 4. This act shall not be enforced in any county until the same has been ordered by the board of county commissioners of such county, which order may be made as to any one or all of the kinds of scalps mentioned, and may be rescinded and revoked at any regular session of such board thereafter held. Revoked.

SEC. 5. Chapter 73, laws of 1873, and all other laws in conflict herewith, are hereby repealed.

SEC. 6. This act shall take effect and be enforced from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XCI.

## BOUNTY FOR SUGAR.

AN ACT making an appropriation to pay the bounty for sugar manufactured in the State of Kansas in 1887 and 1888, provided for by law.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The sum of eighteen thousand six hundred and fifty-eight dollars and thirty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the bounty provided for by an act of the legislature approved March 5, 1887, entitled "An act to encourage the manufacture of sugar." This appropriation shall be paid out on vouchers, duly approved as is provided for in said aforementioned act, and shall be applied only to sugar manufactured in the years 1887 and 1888.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XCII.

## BRIDGE IN BUTLER COUNTY.

AN ACT to authorize the Board of County Commissioners of Butler county, Kansas, to appropriate money to build a certain bridge in said county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of Butler county are hereby authorized to appropriate the sum of

three thousand dollars, or so much thereof as may be necessary, for the purpose of building a bridge across the Walnut river, in said county, between sections seventeen (17) and eight (8), in township twenty-eight (28), range four (4) east.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XCIII.

### BRIDGES IN CHASE COUNTY.

AN Act to authorize the Board of County Commissioners of Chase county, Kansas, to appropriate money to build certain bridges in said county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of Chase county are hereby authorized to appropriate the sum of four thousand dollars, or so much thereof as may be necessary, for the purpose of building a bridge across Cedar creek, at Hobert's, or Gulliford's crossing, on the half-section line running north and south through section 13, township 21, range 5 east, where said Cedar creek crosses said half-section line in Cedar township, in Chase county.

SEC. 2. The said board of county commissioners are further authorized to appropriate the sum of three thousand dollars, or so much thereof as may be necessary, for the purpose of building a bridge across South Park creek of the Cottonwood river, at the crossing known as A. J. Scribner's ford, Bazar township, in Chase county, as may be designated by said board.

SEC. 3. That the board of county commissioners are further authorized to appropriate the sum of three thousand dollars, or so much thereof as may be necessary, for the purpose

of building a bridge across Fox creek at what is known as the Lantry crossing of the Diamond Creek road, in Falls township, in said county.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper and official county paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889, and in the official county paper Feb. 28, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER XCIV.

### BRIDGE—HAVEN TOWNSHIP, RENO COUNTY.

AN ACT to authorize Haven township, Reno county, to expend seventeen hundred dollars (\$1,700) in the construction of a bridge across the Arkansas river.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The board of highway commissioners of the township of Haven, in the county of Reno, are hereby authorized and empowered to appropriate the sum of seventeen hundred dollars (\$1,700) out of any money now in the treasury of said township not otherwise appropriated; and for the purpose of completing such appropriation, if the funds now in the treasury are insufficient, they may use such a portion of the tax levy for the year 1889 as will complete such appropriation, for the purpose of assisting the township of Valley, and said county, in the construction of a wagon-bridge across the Arkansas river, at a point where said river crosses the line between sections number twenty (20) and twenty-one (21), township number 24 south, of range 4 west of the sixth principal meridian, in the county of Reno, state of Kansas.

SEC. 2. The bridge specified in section one of this act shall be built and constructed under the immediate supervision and



direction of the board of county commissioners of Reno county; and the board of highway commissioners of Haven township, in the appropriation of funds as in section one herein provided, shall deliver the amount so appropriated to the said board of county commissioners. Such delivery shall be deemed and held to be a full compliance with the provisions of this act, and thereupon said board of highway commissioners shall be discharged from any further responsibility in the premises.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Hutchinson Weekly News*.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Hutchinson Weekly News* March 7, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER XCV.

### BRIDGE IN JOHNSON COUNTY.

AN ACT to authorize the Board of County Commissioners of Johnson county to appropriate money to build a bridge.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county commissioners of Johnson county are hereby authorized to appropriate the sum (\$2,500) twenty-five hundred dollars, or so much thereof as may be necessary, for the purpose of building a bridge across Mill creek, at the crossing of the state road between Lawrinzo and Kansas City, on or near the half-section line running east and west through section (13) thirteen, town (12) twelve, range (23) twenty-three.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XCVI.

## BRIDGE IN MIAMI COUNTY.

AN ACT to provide for the building and repairing of bridges in Miami county, and levying a tax therefor.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The board of county commissioners of Miami county are hereby authorized and empowered to build or to repair such bridges and at such points in said county as the said board of county commissioners may determine. The said board of county commissioners shall also determine the kind and character of bridges to be built or repairs made, and shall proceed in all respects with the construction or repairs as now provided by law, so far as the same apply and are not in conflict with this act.

Special tax.

SEC. 2. For the purpose of providing funds for the purposes provided in section one of this act, the said board of county commissioners are hereby authorized to levy and collect annually a special tax in the same manner as other taxes are levied and collected, not exceeding one-half mill on the dollar upon all taxable property in said county. The special fund so raised by such special tax shall be used only for the purposes specified in this act.

May appropriate.

SEC. 3. The said board of county commissioners are hereby authorized to appropriate such funds without limitation by any law now in force in such sum or sums as may be deemed necessary and expedient for the purposes specified in section 1 of this act.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 20, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 21, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XCVII.

## BRIDGES—BUILDING OF, IN VARIOUS COUNTIES.

AN Act to provide for building and repairing bridges in counties having twenty thousand inhabitants or more, and in the counties of Clay, Davis, Barton, Washington, Dickinson, Linn, Greenwood, Neosho, Republic, Crawford, Lyon, Brown, and Miami.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section one of chapter seventy-seven of the laws of eighteen hundred and seventy-nine as amended by chapter forty-eight of the laws of eighteen hundred and eighty-three as amended by chapter ninety-one of the laws of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows: It shall be the duty of the board of county commissioners in counties having a population of twenty thousand inhabitants or more, and in the counties of Clay, Davis, Barton, Washington, Dickinson, Linn, Greenwood, Neosho, Republic, Crawford, Lyon, Brown, and Miami, to determine what bridges shall be built and repaired by and at the expense of the county, and what bridges shall be built by and at the expense of the township; and to determine the amount that shall be appropriated out of the funds of the county for building or repairing any such bridges not exceeding two thousand dollars for building any one bridge.

SEC. 2. Section 1 of chapter 77 of the laws of 1879, as amended by chapter 48 of the laws of 1883, as amended by chapter 91 of the laws of 1885, and chapter 48 of the laws of 1883, and chapter 91 of the laws of 1885, of which this act is amendatory, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 20, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER XCVIII.

## BRIDGE—WABAUNSEE COUNTY.

AN Act authorizing the County Commissioners of Wabaunsee county to appropriate money for repairing bridge in Wabaunsee township, and between Wabaunsee and Pottawatomie counties, and to keep the same in repair.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county commissioners of Wabaunsee county are hereby authorized and empowered and it is hereby made their duty to appropriate such sum of money as may be necessary to keep in repair that proportion (or part) of said bridge belonging to the township of Wabaunsee, Wabaunsee county; and that the county commissioners of Wabaunsee county are hereby authorized and empowered to appoint three bridge commissioners, to act and confer with the bridge commissioners of Wamego township, in Pottawatomie county, in relation to the repairs of said bridge annually.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER XCIX.

## CITIES OF SECOND CLASS.

AN Act to amend chapter 100, article 1, section 1 of the Laws of 1872, being "An act to incorporate cities of the second class, and to repeal former acts."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 1 of article 1 of chapter 100 of the Laws of 1872 is hereby amended so as to read as follows:

Section 1. All cities now organized and acting as cities of the second class, by virtue of the authority of former acts, and all cities hereafter attaining a population of over two thousand and not exceeding fifteen thousand inhabitants, shall be governed by the provisions of this act; and whenever any city shall have hereafter attained a population exceeding two thousand inhabitants, and such facts shall have been duly ascertained and certified by the proper authorities of such city to the governor, he shall declare, by public proclamation, such city subject to the provisions of this act. The mayor and council of such city shall, at the time of making the certificate herein provided for, make out and transmit to the governor an accurate description by metes and bounds of all the lands included within the limits of such city, and the additions thereto, if any. Whenever the governor shall make proclamation as herein provided for, it shall be the duty of the mayor of the city affected thereby to forthwith call a meeting of the city council, to be held not later than fifteen days from the date of such proclamation. The mayor and city council shall at such meeting divide the city into wards, and provide for opening books for registration of voters within ten days thereafter, and call a special election to be held not less than sixty and not more than ninety days from the date of such meeting of the city council. At such election shall be chosen all the elective officers required by section thirteen of this act, to be elected at annual city elections, each of whose term of office shall continue until the time prescribed by said section thirteen for the election of his successor, unless the office be sooner vacated according to law. Such election shall be held and the returns canvassed in the manner prescribed for cities of the second class. Upon the qualifications of the mayor and councilmen the powers of the preceding mayor and city council shall cease, and such city shall be duly organized as a city of the second class.

SEC. 2. Original section one of the act of which this is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER C.

## CITIES—SECOND CLASS.

AN Act to amend section two of chapter 102 of the laws of 1887, being an act entitled "An act to authorize cities of the second class to construct and maintain a system of sewerage and drainage," approved March 5th, 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section two of chapter 102 of the laws of 1887, being an act entitled "An act to authorize cities of the second class to construct and maintain a system of sewerage and drainage," approved March 5th, 1887, shall be and the same is hereby amended so as to read as follows: Sec. 2. The mayor and council shall have power to provide for a system of sewerage and drainage for the city, or any part thereof, and to build and construct sewers or drains by districts or otherwise, as the mayor and council may designate. The costs and expenses of constructing the same shall be assessed against all the lots or pieces of ground contained in the district in which the same is situated, and the cost of the same shall be levied and collected as one tax, in addition to other taxes and assessments, and shall be certified by the city clerk to the county clerk, to be placed on the tax-roll for collection, subject to the same penalties, entitled to the same rebate, and collected in like manner, as other taxes: *Provided*, That when any property has paid or shall pay its full proportion for general sewers or drains in one district, it shall not be transferred to any other district and be thereby made liable to taxation for sewers and drains therein, or they may in their discretion provide for the payment of the cost thereof, by installments, instead of levying the entire tax for such cost at one time, and for such installments they may issue improvement bonds of the city, or district, payable in installments of equal amounts each year, none of which bonds, nor any of the installments thereof, shall run longer than ten years, nor bear interest exceeding six per centum per annum. The credit of the city or district issuing such bonds shall be pledged for the payment thereof. Such bonds may be issued to the contractors constructing the improvement, in payment thereof, or the

mayor and council may sell the same at not less than their par value and pay the proceeds thereof to the contractor. Such bonds shall not be issued in amount in excess of the contract price of the work or improvement, except that the installment coupons shall include the interest on such installments to the maturity thereof. The bonds shall be of such denominations as the mayor and council shall deem proper. Where improvement bonds are issued under this act for improvements, the mayor and council shall levy special assessments each year sufficient to redeem the installment of such bonds next thereafter maturing; but in computing the amount of special assessment to be levied to pay such installment, interest thereon shall be added at the rate of eight per centum per annum from the date of the issuance of said bonds until the maturity of the installment of bonds next thereafter maturing. Such assessment and levy shall be against all the lots or pieces of ground contained in the district, and shall be levied and collected in the same manner as other taxes. This act shall apply to sewers and drains already constructed, or in course of construction, the cost and expenses of which have not been provided for.

SEC. 2. That section two of the act of which this is amendatory, and all acts and parts of acts in conflict therewith, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CI.

## CITY OF THIRD CLASS—WEST PLAINS.

AN ACT declaring the city of West Plains Meade county, a city of the third class, and legalizing the incorporation thereof.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The act of incorporating the city of West Plains, Meade county, Kansas, by the judge of the twenty-fourth judicial district, is hereby legalized, and said city of West Plains is declared to be a city of the third class.

SEC. 2. The acts of said city of West Plains since the incorporation thereof by the judge of the twenty-fourth judicial district are hereby legalized.

SEC. 3. This act shall take effect and be in force from and after its publication in the *West Plains Mascotte*.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *West Plains Mascotte* March 7, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CII.

## CITY OF COFFEYVILLE—FUND CERTAIN INDEBTEDNESS.

AN ACT to enable the city of Coffeyville, in Montgomery county, to fund certain indebtedness of said city.

*Be it enacted by the Legislature of the State of Kansas:*

May issue bonds.

SECTION 1. That for the purpose of funding and redeeming certain outstanding city warrants or scrip heretofore issued by the mayor and council of the city of Coffeyville, Montgomery county, Kansas, for improvements and general city purposes, together with the scrip issued for the purpose of



aiding, securing and paying for lands, right-of-way, depot grounds and terminal facilities for the Kansas & Arkansas Valley Railroad Company, constructed into said city of Coffeyville, the mayor and council of said city are hereby authorized and empowered to issue the bonds of said city, in an amount not exceeding twelve thousand dollars, or so much thereof as may be necessary for the purposes named in this section, and to sell the same for cash or to exchange them for outstanding city warrants, scrip, or other evidences of indebtedness against such city, issued for the purposes herein mentioned, and in case the same are sold for cash, to apply the proceeds thereof in payment of the indebtedness hereinbefore specified: *Provided*, That said bonds shall not be sold or exchanged as aforesaid for less than their par value.

*Provido.*

SEC. 2. The bonds provided for in the foregoing section shall be issued in denomination of not less than one hundred dollars nor more than five hundred dollars, and shall bear interest at a rate not exceeding six per cent. per annum; shall have proper interest coupons attached thereto, and the interest shall be payable semi-annually on the first days of January and July of each year. Said bonds shall be made payable as follows: Two thousand dollars in ten years, two thousand dollars in twelve years, two thousand dollars in fourteen years, two thousand dollars in sixteen years, two thousand dollars in eighteen years, and two thousand dollars in twenty years from the date thereof. Each bond shall be signed by the mayor, and attested by the city clerk under the official seal of said city attached thereto, and shall also be registered by said city clerk in a book provided for that purpose, which registry shall show the date, number, amount, to whom issued, and when payable. Said bonds shall also be registered by the state auditor, and shall have no validity until they are so registered.

*Rate of interest.*

*Made payable.*

*Shall be signed.*

SEC. 3. Before issuing any of the bonds for the purposes provided for in this act, the question shall first be submitted to the qualified electors of said city of Coffeyville, at an election held in pursuance of an ordinance passed by the said city council for that purpose, to determine whether such city shall fund its indebtedness as specified in section one of this act; and if a majority of the qualified electors voting at such election shall vote in favor of the proposition to fund such indebtedness, the mayor and council, for and on behalf of such city, shall proceed without delay to cause the bonds of said

*If a majority of.*

city to be issued to the amount, or so much thereof as may be necessary, and in the manner herein provided.

Levy a tax.

SEC. 4. The mayor and council of said city of Coffeyville shall annually, when other taxes are levied, cause to be levied a tax on the taxable property of said city, of such per cent. as shall be necessary to pay the interest on said bonds as the same becomes due, and to create a sinking fund for the redemption of said bonds; and the city treasurer shall invest said sinking fund as soon as collected in the purchase or redemption of said bonds: *Provided*, Such bonds can be purchased at their par value, with accrued interest; and if they cannot be so purchased, then said sinking fund shall be invested by said city treasurer in the bonds of the state of Kansas, or of the United States, at their market value.

Proviso.

Shall be issued unless.

SEC. 5. None of the bonds provided for in this act shall be issued unless the same is done within six months after the taking effect of this act.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CIII.

### CITY OF ELLSWORTH—ERECT COURT HOUSE.

AN ACT to authorize the city of Ellsworth to purchase grounds and to erect a court house thereon for the county of Ellsworth, and to issue bonds for that purpose.

WHEREAS, The city of Ellsworth, during a controversy in regard to the county seat of Ellsworth county, and to save litigation, agreed with the tax-payers of said county to erect a court house for said county, the cost of which should not exceed twenty-five thousand dollars: now, therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The mayor and council of the city of Ellsworth

are hereby authorized to submit to the electors of said city a proposition to vote bonds in the sum not to exceed twenty-five thousand dollars, for the purpose of purchasing land and erecting thereon a court house, and to donate the same to Ellsworth county.

SEC. 2. It shall be the duty of the mayor and council to cause a notice of such election to be given in the manner prescribed by law for the holding of other elections, and at such election the ballots shall read "For the bonds and donation," or, "Against the bonds and donation." The returns of said election shall be canvassed by the mayor and council as in other such cases. Mayor and council, duties of.

SEC. 3. If upon the canvass it be ascertained that a majority of the electors voting at such election are in favor of making said donation and issuing said bonds, it shall be the duty of the mayor and city clerk to issue the bonds of said city in denominations not less than five hundred dollars nor more than one thousand dollars each, which bonds shall run for a period not to exceed thirty years, and any part or all of said bonds may be paid at any time after the expiration of five years, and shall not draw interest at a greater rate than six per cent. Rate of interest. per annum.

SEC. 4. The mayor and council shall have authority to purchase a suitable tract of land within the present limits of the city of Ellsworth, and to cause to be erected thereon, under their supervision, a court house, and when the same is completed to convey or cause to be conveyed to said county said land and court house, free and clear of all incumbrances: *Provided*, That no more than twenty-five thousand dollars Provided. shall be issued or expended by the city of Ellsworth under this act.

SEC. 5. It shall be the duty of the mayor and council of said city to provide annually for a tax to pay the interest on such bonds as may be issued under the provisions of this act, and for a sinking fund to pay said bonds at maturity, said taxes to be levied and collected in the manner prescribed by law for the levy and collection of other city taxes.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CIV.

### CHILDREN—PROTECTION OF.

AN ACT for the protection of children.

*Be it enacted by the Legislature of the State of Kansas :*

**Under the age of.** SECTION 1. That any person who shall torture, cruelly beat, abuse, or otherwise willfully maltreat any child under the age of eighteen years; or any person, having the custody and possession of a child under the age of fourteen years, who shall expose, or aid and abet in exposing, such child in any highway, street, field, house, outhouse, or other place, with intent to abandon it; or any person, having in his custody or control a child under the age of fourteen years, who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus rider, or a rope-walker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street-singer, or street-musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and when convicted thereof shall be subject to punishment by a fine of not more than two hundred and fifty dollars, or by imprisonment for a term not exceeding one year, or both.

**Guilty of.**

**The purpose of.** SEC. 2. That any person who shall entice, decoy, place, take or receive any female child or person under the age of eighteen years into any house of ill-fame or disorderly house, for the purpose of prostitution; or any person who, having in his custody or control such child, shall dispose of it to be so received, or to be received in or for any obscene, indecent or immoral purpose, exhibition or practice, when convicted thereof

**Punished by.**

shall be punished by confinement in the penitentiary for not less than one year nor more than two years.

SEC. 3. Any duly incorporated society having for its object, May apply to. either solely or in conjunction with other charitable labor, the protection of children, and employing an agent to aid in its work, may apply to the mayor of any city for the appointment of such agent as a special police officer; and if the mayor shall deem such agent to be trustworthy and discreet, it shall be his duty to commission such agent as a special policeman. In cities in which the police force is under the control of a board of commissioners, such application shall be made to and such appointment may be made by such board of commissioners.

SEC. 4. It shall be the duty of sheriffs, deputy sheriffs, constables and police officers in any county or city to aid such Officers, duties of. society in the enforcement of all laws relating to the protection of children, and any sheriff, deputy sheriff, constable or police officer shall have power to arrest without warrant any person violating within his view any law relating to the protection of children, or other parties so offending, by virtue of a warrant issued by any magistrate having authority to issue warrant under the provisions of section 7, chapter 82 of the general statutes of 1868; which offenders shall be tried, and if convicted shall be adjudged guilty of a misdemeanor, and punished as provided in section one of this act. Have power to.

SEC. 5. Such officers are also hereby empowered to bring before any such magistrate any child who is subjected to cruel treatment, willful abuse or neglect, or any child under sixteen years of age found in a house of ill-fame; and said magistrate may, with the consent of the constituted authorities thereof, commit such child to an orphan asylum, or other public charitable institutions in the county in which such magistrate resides, or make such other disposition thereof as now is or hereafter may be provided by law in the case of vagrant, destitute, or abandoned children: *Provided*, That any guardian, Provided. or near relative, who may feel aggrieved by any order in the premises of any magistrate (other than a judge of the supreme court or a judge of a district court), may appeal therefrom to the district court of the county or district in which such magistrate resides, which appeal shall be heard and determined without delay by said district court.

SEC. 6. It shall be the duty of the county attorney to prosecute all cases arising under this act: *Provided*, That where Attorney, duty of. Provided.

Provided  
further.

any society organized for any of the purposes set forth in section 3 of this act shall by its agent have preferred the complaint upon which the proceeding is based, such prosecution may, with the consent of the court or magistrate, be conducted by the attorney of said society, who, for the purposes of such prosecution only, shall have all the powers conferred by law upon county attorneys: *Provided*, That the complainant shall not be adjudged to pay any costs of prosecution unless the court or magistrate shall find that such prosecution was malicious, and without probable cause.

SEC. 7. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CV.

### CEDING JURISDICTION—GROUNDS FOR FEDERAL BUILDINGS.

AN ACT ceding jurisdiction to the United States over any lots and grounds which may be selected as a site for Federal buildings in the city of Salina, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Exclusive jurisdiction is hereby ceded to the United States over and within all town lots and grounds to which the United States may obtain title in the city of Salina for the purpose of the erection of federal buildings thereon, saving, however, to said state the right to serve civil or criminal process on account of obligations incurred and crimes committed in the state.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 20, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CVI.

### HIGHLAND CEMETERY, OF OTTAWA.

AN ACT authorizing the Highland Cemetery Company, of Ottawa, Kansas, to provide a permanent fund for the perpetual care of the cemetery grounds belonging to said company.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The Highland Cemetery Company, of Ottawa, Kansas, in order to provide for the perpetual care of the cemetery grounds after all its lots therein shall have been sold, is hereby authorized to set apart as a permanent fund ten per cent. of the entire proceeds received from the sale of lots until said permanent fund shall amount to the sum of \$12,000; said fund to be kept invested in first-mortgage securities on good real estate situated in Franklin county, Kansas, or in the bonds or securities of the city of Ottawa, or of Franklin county, or of the state of Kansas, or of the United States. The interest only of the sum so invested shall be expended for the purpose above named. Any bequests that may hereafter be made to said company for the purposes herein mentioned shall be invested in like manner and the income used as above provided. And said money so accumulated is hereby declared to be a permanent fund not subject to be appropriated to any other purpose by said corporation, and any appropriation or use by the officers or stockholders of said company of said fund or any part thereof, to any other purpose other than as above provided, shall render the officer or stockholder personally liable to said corporation for the full amount so misappropriated, to be recoverable in any court of competent jurisdiction upon the action of any person owning a lot in said cemetery; and the stock of said officer or stockholder shall be held liable for the payment of said judgment and costs.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CVII.

### CIVIL PROCEDURE—CODE OF.

AN ACT relating to the code of civil procedure, and amendatory of sections seventy-two and seventy-three, and six hundred forty-three, six hundred forty-four, and six hundred forty-six and six hundred forty-seven of chapter eighty of the General Statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas: •*

Defendants reside out of.

*Amendment.*

SECTION 1. That section 72 of the general statutes of 1868 be and the same is hereby amended so that the same shall read as follows: Sec. 72. Service may be made by publication in either of the following cases: In actions brought under the 46th and 47th sections of this code where any or all of the defendants reside out of the state, or where the plaintiff with due diligence is unable to make service of summons upon such defendant or defendants within the state; in actions brought to establish or set aside a will, where any or all of the defendants reside out of the state; in actions to obtain a divorce where the defendant resides out of the state; in actions brought against a non-resident of the state, or a foreign corporation, having in this state property or debts owing them, sought to be taken by any of the provisional remedies, or to be appropriated in any way; in actions which relate to, or the subject of which is, real or personal property in this state, where any defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state or a foreign corporation; and in all actions where the defendant,



being a resident of this state, has departed therefrom, or from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of a summons, or keep himself concealed therein with the like intent.

SEC. 2. That section 73 of the general statutes of 1868 be and the same is hereby amended so that the same shall read as follows: Section 73. Before service can be made by publication, an affidavit must be filed stating that the plaintiff, with due diligence, is unable to make service of the summons upon the defendant or defendants to be served by publication, and showing that the case is one of those mentioned in the preceding section. When such affidavit is filed, the party may proceed to make service by publication.

Before service  
can be.

SEC. 3. That section 643 of chapter 80 of the general statutes of 1868 be and it is hereby amended so as to read as follows: Sec. 643. When the parties appear to be in equal wrong, the court may in its discretion refuse to grant a divorce, and in any such case or in any other case where a divorce is refused, the court may for good cause shown make such order as may be proper for the custody, maintenance and education of the children, and for the control and equitable division and disposition of the property of the parties, or of either of them, as may be proper, equitable and just, having due regard to the time and manner of acquiring such property, whether the title thereto be in either or both of said parties.

The court may  
at.

*Amendment.*

SEC. 4. That section 644 of chapter 80 of the general statutes of 1868 be and it is hereby amended so as to read as follows: Section 644. After a petition has been filed in an action for divorce and alimony, or for alimony alone, the court, or a judge thereof in vacation, may make and enforce by attachment such order to restrain the disposition of the property of the parties or of either of them, and for the use, management and control thereof, or for the control of the children and support of the wife during the pendency of the action, as may be right and proper; and may also make such order relative to the expenses of the suit as will insure to the wife an efficient preparation of her case; and on granting a divorce in favor of the wife or refusing one on the application of the husband, the court may require the husband to pay such reasonable expenses of the wife in the prosecution or defense of the action as may be just and proper, considering the respective parties and the means and property of each.

After a petition  
has been.

Court may re-  
quire.

SEC. 5. That section 646 of chapter 80 of the general statutes of 1868 be and it is hereby amended so as to read as follows: Section 646. When a divorce shall be granted by reason of the fault or aggression of the husband, the wife shall be restored to her maiden name if she so desires, and also to all the property, lands, tenements, hereditaments owned by her before her marriage or acquired by her in her own right after such marriage, and not previously disposed of, and shall be allowed such alimony out of the husband's real and personal property as the court shall think reasonable, having due regard to the property which came to him by marriage and the value of his real and personal estate at the time of said divorce; which alimony may be allowed to her in real or personal property, or both, or by decreeing to her such sum of money, payable either in gross or in installments, as the court may deem just and equitable. If the divorce shall be granted by reason of the fault or aggression of the wife, the court shall order restoration to her of the whole of her property, lands, tenements and hereditaments owned by her before, or by her separately acquired after such marriage, and not previously disposed of, and also such share of her husband's real and personal property, or both, as to the court may appear just and reasonable; and she shall be barred of all right in all the remaining lands of which her husband may at any time have been seized. And as to such property, whether real or personal, as shall have been acquired by the parties jointly during their marriage, whether the title thereto be in either or both of said parties, the court shall make such division between the parties respectively as may appear just and reasonable, by a division of the property in kind, or by setting the same apart to one of the parties, and requiring the other thereof to pay such sum as may be just and proper to effect a fair and just division thereof. But in case of a finding by the court, that such divorce should be granted on account of the fault or aggression of the wife, the court may in its discretion set apart such a portion of the wife's separate estate as may seem proper for the support of the children, issue of the marriage.

Shall be restored to.

If the divorce shall be granted.

Divorce granted at.

SEC. 6. That section 647 of chapter 80 of the general statutes of 1868 be amended so that the same shall read as follows: A divorce granted at the instance of one party shall operate as a dissolution of the marriage contract as to both,

and shall be a bar to any claim of the party for whose fault it was granted in or to the property of the other, except in cases where actual fraud shall have been committed by or on behalf of the successful party. Every judgment of divorcement granted by a district court shall be final and conclusive, unless appealed from within the time and in the manner herein provided. A party desiring to appeal from a judgment granting a divorce, must within ten days after such judgment is rendered file a written notice in the office of the clerk of such court, duly entitled in such action, stating that it is the intention of such party to appeal from such judgment; and unless such notice be filed no appeal shall be had or taken in such cause; if notice be filed as aforesaid, the party filing the same may commence proceedings in error for the reversal or modification of such judgment at any time within four months from the date of the decree appealed from, and not thereafter; but whether a notice be filed as herein provided, or not, or whether proceedings in error be commenced as herein provided, or not, it shall be unlawful for either party to such divorce suit to marry any other person within six months from the date of the decree of divorcement; and if notice be filed and proceedings in error be commenced as hereinbefore provided, then it shall be unlawful for either party to such cause to marry any other person until the expiration of thirty days from the day on which final judgment shall be rendered by the appellate court on such appeal; and every person marrying contrary to the provisions of this section shall be deemed guilty of bigamy, and such marriage be absolutely void.

Shall be final.

To appeal from.

Within four months.

Guilty of.

SEC. 7. Every person convicted of bigamy as such offense as defined in the foregoing section shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than three years.

SEC. 8. Every decree of divorce shall recite the day and date when the judgment was rendered in the cause, and that the decree does not become absolute and take effect until the expiration of six months from said time.

Every decree shall.

SEC. 9. Original sections 72 and 73, 243, 244, 246, and 247 of chapter 80 of the general statutes of 1868, and section 1 of chapter 126 of the laws of 1881, are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CVIII.

### COMMISSIONER TO PARIS EXPOSITION.

AN ACT providing for the appointment of a State Commissioner to the International Exposition at Paris, France, for 1889, defining his duties, and making appropriation for expenses incident thereto.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the governor is hereby empowered and directed to appoint, prior to April 1, 1889, a person as commissioner to the industrial exposition of arts, manufactures, products of the soil and mines, to be held at Paris, France, commencing May 1, 1889, and continuing six months. The person to be appointed by the governor shall be selected entirely with regard to his familiarity with the resources and products of the state, his knowledge of Europe, his business experience, and ability to speak the French language, and who shall be a resident of the state at the time of his appointment.

Commissioner,  
duties of.

SEC. 2. That the said commissioner shall act in conjunction with the United States commissioner general to said exposition in all matters touching the interest of the state and citizens thereof, in so far as such action may be practical; to disseminate information about this state; to issue invitations for participation in the exhibits; to apportion the space placed at his disposal, if any there be, among the exhibitors from this state, and to supervise such other details relating to the representations of its citizens in the exhibition as may from time to time be delegated to him by the United States commissioner general.

SEC. 3. The said commissioner shall also prepare and have printed in the French language for distribution at the exposition (said printing to be done by the state printer), a pam-

phlet containing a condensed history of the state, showing its physical features; its early settlement; its fishes and animals; climate; geographical position; its educational, religious and charitable institutions; agriculture and manufactures; streams and water powers; railroads, and other means of transportation; growth in population and wealth; character and habits of the people; and any other matters that will aid in making up a summary view of the birth, progress and present condition of the state, and that will tend to enlist the interest and secure the citizenship of the best class of enterprising and thrifty immigration.

SEC. 4. That the said commissioner herein provided for shall hold his office for one year from the time of his appointment, unless sooner removed for cause by the governor; and any vacancy that may exist in the office of said state commissioner by death, resignation or otherwise, shall at once be filled by the governor by the appointment of a fit and suitable person to fill such vacancy.

SEC. 5. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act, to be paid by the treasurer of state upon warrants issued by the auditor of state; but the auditor shall not issue his warrants for any money appropriated by this act, except upon the filing in his office of an itemized statement, signed by such commissioner, showing in detail for what the expense has been incurred, and verified by his oath.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 7, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CIX.

## CORPORATION.

AN ACT to amend section 15, article 3 of chapter 23 of the General Statutes of Kansas, 1868, entitled "An act concerning private corporations."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 15 of article 3 of chapter 23 of the general statutes of Kansas of 1868, entitled "An act concerning private corporations," be amended to read as follows:

May execute  
bonds.

Section 15. Corporations shall have power to borrow money on the credit of the corporation not exceeding its authorized capital stock, and may execute bonds or promissory notes therefor, and may pledge the property and income of the corporation: *Provided, however,* That the provisions of this section shall not apply to the debentures or bonds of any loan or trust company, duly incorporated under the provisions of this chapter, the payment of which debentures or bonds shall be secured by a transfer of real-estate or by other securities for the benefit and protection of purchasers of said debentures or bonds; such collaterals to be at least equal in amount to the par value of such bonds or debentures, and all real-estate mortgage securities to be first liens on the property on which loans are made.

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CX.

## COUNTY BUILDINGS—CONDEMNATION OF.

AN ACT providing for the condemnation of sites for county buildings.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That when the board of county commissioners of any county in this state cannot, by purchase or otherwise, obtain a suitable site for a court house, jail, or other county building, or obtain additional ground necessary for the protection of any court house, or other county building, at a reasonable or satisfactory price, said board of county commissioners may apply to the judge of the district court of the district in which the county is situated, asking for the condemnation of such site or additional ground to such site, describing the same.

County commissioners may apply to.

SEC. 2. It shall be the duty of the judge of the district court, when such application is presented, to appoint three disinterested freeholders to appraise and condemn such site or additional grounds to such site. Such appraisers shall be sworn to honestly and faithfully discharge their duties as appraisers, and shall proceed to appraise and condemn such site or addition to such site, and file their report with the clerk of said district court, stating therein the amount of condemnation awarded. Any person feeling aggrieved thereby may, within ten days from the filing of said report, appeal from the award of said appraisers by executing a bond, with surety to be approved by the clerk of the district court, to the board of county commissioners, conditioned for the payment of all costs that may be incurred if said party shall fail to recover more than was awarded by the appraisers.

The duty of the judge.

Appraisers, duties of.

Any person aggrieved may.

SEC. 3. If no appeal be taken as above provided, the district court shall examine and report, and if just and correct, shall approve the same, and shall order that, upon payment by the county of the amount of such appraisal to the party or parties entitled thereto, the title to such site or addition to such site shall vest in the county: *Provided*, That in case an appeal is taken, if the board of county commissioners will deposit the amount of the award made by the appraisers with the county treasurer for the owner or owners

Proviso.

of the property, the said board of county commissioners may proceed to take possession of the property, and the title from such time shall vest in the county.

shall be re-  
corded.

SEC. 4. The application, appointment of appraisers, report and order of the court, shall be recorded in the office of the register of deeds.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXI.

### COUNTY SEAT OF ELLSWORTH COUNTY.

AN ACT relating to the permanent county seat of Ellsworth county.

WHEREAS, The county of Ellsworth was, on the 22d day of June, 1867, organized under and by virtue of the proclamation of Honorable S. J. Crawford, then governor of the state of Kansas, and the town of Ellsworth was by said governor, upon the organization of said county, declared to be the temporary county seat, and the town of Ellsworth, at which the temporary county seat of said county was located by said governor, was upon the following-described real estate, to wit: All of the northeast quarter ( $\frac{1}{4}$ ) and part of the southeast quarter ( $\frac{1}{4}$ ), and part of the northwest quarter ( $\frac{1}{4}$ ) of section number twenty-nine (29), all in township number fifteen (15) south, of range number eight (8) west; and

WHEREAS, Since the month of June, 1867, said county seat has been located and held upon the following-described real estate, to wit: A portion of the south half ( $\frac{1}{2}$ ) of section No. twenty (20), in township number fifteen (15) south, of range number eight (8) west, known as the "First Addition to the city of Ellsworth," and the original town-site as it existed at



the time of the organization of said county was abandoned in the year 1867, and has not been occupied as a town-site, nor as such county seat, since that time; and

WHEREAS, On the 5th day of November, 1867, an election for the purpose of permanently locating said county seat was held in said county, at which election the city of Ellsworth, as located upon the land last above described, received a majority of all the votes cast at said election; and

WHEREAS, The early records of said county were imperfectly kept, and there is now a dispute as to the location of said county seat: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the permanent county seat of Ellsworth county be and the same is hereby permanently located upon a portion of the south half ( $\frac{1}{2}$ ) of section number twenty (20), in township number fifteen (15) south, of range number eight (8) west, the same being the land upon which the city of Ellsworth is now located, as fully and with like effect as if said election had been held and the record thereof made and preserved, as by law provided.

SEC. 2. Nothing in this act shall be construed as preventing the removal of said county seat as in other counties.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXII.

## COUNTY COMMISSIONERS—PURCHASE POOR-FARM FOR STAFFORD COUNTY.

AN ACT to enable the County Commissioners of Stafford county, Kansas, to issue county warrants to purchase and improve a county poor-farm for said county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The board of county commissioners of Stafford county, Kansas, are hereby authorized to issue and sell the warrants of said county to the amount of six thousand dollars, or so much thereof as may be necessary, the proceeds thereof to be applied to the purchase of a county poor-farm and to the erection thereon of such buildings and other improvements as may be necessary for the same. That said warrants shall be of denomination not less than one hundred dollars and to draw interest at seven per cent. per annum, and not to be sold at less than ninety-seven cents on the dollar. Said warrants to be issued in three series of two thousand dollars each, the first series payable in one year from date; the second series, two years from date; the third series, three years from date.

SEC. 2. It is hereby made the duty of the board of county commissioners of said county, after such warrants have been issued, to annually levy a sufficient tax on the taxable property of said county to pay each series of said warrants, and the interest thereon as the same becomes due.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXIII.

COUNTY COMMISSIONERS OF SEDGWICK COUNTY—SELL  
REAL ESTATE.

AN Act authorizing the County Commissioners of Sedgwick county to  
sell certain real estate.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county commissioners of Sedgwick county are hereby fully authorized and empowered to sell the following real estate now owned by the said county, to wit: Lots numbered fifty (50) and fifty-two (52), on Main street, in the city of Wichita, county of Sedgwick and state of Kansas, as shown by the original plat of said city, whenever it may appear to the board of commissioners of the said county that it is to the best interest of the said county that said premises be sold. Such sale to be either public or private, as may seem best to the board of county commissioners of said county, and for cash, or upon such terms as the board of county commissioners of the said county may in their discretion deem proper; the proceeds arising from such sale to be used or disposed of in such manner as the board of commissioners of the said county may deem best.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27. 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXIV.

COUNTY COMMISSIONERS OF WALLACE COUNTY—SETTLE  
CONTROVERSIES.

AN Act to enable the County Commissioners of Wallace county to settle and prevent controversies arising out of the organization thereof, by retaining the town designated by the Governor as the temporary county seat of said county for five years; and by paying certain claims which accrued before its valid organization.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The board of county commissioners of Wallace county is hereby authorized and required to assume and pay out of the county treasury of said county the following claims, which accrued prior to the present organization of said county, to wit: \$1,000 upon a judgment of the United States circuit court for the district of Kansas, rendered December 9, 1876, in favor of A. F. Smith or his assignees, the same being the judgment referred to in section 2 of chapter 186 of the statutes of 1879; also certain claims against Wallace county, audited by the body then claiming to be the board of county commissioners of said county, in the years 1887 and 1888, for which claims said body so claiming to act as a board of county commissioners, then issued county orders, said claims being now held as follows, to wit: \$4,718.03 thereof by the Guaranty Investment Company; \$5,367.59 thereof by George W. Crane. Upon the surrender of the said county orders issued as aforesaid, or any portion thereof, and the cancellation of said judgment, the board of county commissioners of said county shall cause to be issued in exchange therefor an equal amount of valid county orders or re-funding bonds of said county.

SEC. 2. The board of county commissioners of Wallace county, in the state of Kansas, are hereby authorized to retain the town designated by the governor as the temporary county seat of Wallace county as the county seat of said county for five years from the passage of this act.

SEC. 3. If the said board shall within thirty days from the taking effect of this act find and enter on the journal of its proceedings that it is for the public interest to retain the town

designated by the governor as the temporary county seat of Wallace county as the county seat of said county for five years, then no election for the location or relocation of the county seat of said county shall be called or held during the five years mentioned in section one.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXV.

### COUNTY OF WYANDOTTE—COMMISSIONER DISTRICTS.

AN ACT to divide the county of Wyandotte into three commissioner districts, and to define the boundaries of the same.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county of Wyandotte is hereby divided into three commissioner districts, numbered respectively one, two, and three. The first and sixth wards of Kansas City and Shawnee township shall constitute the first commissioner district; the fourth and fifth wards of Kansas City and Wyandotte and Delaware townships shall constitute the second commissioner district; and the second and third wards of Kansas City and Quindaro and Prairie townships shall constitute the third commissioner district.

SEC. 2. At the general election in November, 1889, a county commissioner shall be elected in the second commissioner district, as bounded in this act, for the full term of three years; at the general election in November, 1890, a county commissioner shall be elected in the third commissioner district, as bounded in this act, for the full term of three years; and at the general election in November, 1891, a county commissioner shall be elected in the first commissioner district, as bounded in

this act, for the full term of three years. Any vacancy occurring in the board of county commissioners shall be filled by election in the district that would have elected a successor to such commissioner at the expiration of his term by law. No change shall be made in the boundaries of any district prior to the general election in November, 1891.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 26, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXVI.

### CORRECT PLAT OF CHICOPEE, CRAWFORD COUNTY.

AN ACT authorizing the correction of the plat of the town-site of Chicopee, Crawford county, Kansas.

WHEREAS, The Cherokee & Pittsburg Coal and Mining Company heretofore platted the town-site of Chicopee, in the county of Crawford, state of Kansas: and

WHEREAS, A blue-print copy of the plat of said town-site was by mistake filed with the register of deeds of said county as the plat of said town-site of Chicopee: now, therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the town-site of Chicopee, county of Crawford, state of Kansas, as platted by the blue-print copy of plat made by the Cherokee & Pittsburg Coal and Mining Company, be and the same is hereby vacated; and the register of deeds of Crawford county is hereby authorized to cancel the same, and substitute therefor an original plat of said town-site, to be prepared by said Cherokee & Pittsburg Coal and Mining Company.

SEC. 2. All sales of lots, blocks, or tracts of land heretofore made within the said town-site of Chicopee based upon said

copy of said plat, as filed in the office of the register of deeds, be and the same are hereby legalized and confirmed to the same extent as though the original plat of said town-site had previously been filed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXVII.

### COURT OF COMMON PLEAS, SEDGWICK COUNTY.

AN ACT to create the Court of Common Pleas, of Sedgwick county, and to define the powers and jurisdiction of such court, and for the holding of the terms thereof, and to provide for the transfer from the district court of Sedgwick county of certain actions to said Court of Common Pleas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION. 1. That a new court of record be and such court is hereby created and established for the county of Sedgwick, to be called the court of common pleas of Sedgwick county. Said court shall have one presiding judge, whose style of office shall be "Judge of the Court of Common Pleas;" and said court shall have a clerk whose style of office shall be "Clerk of the Court of Common Pleas." Until otherwise provided, the clerk of the district court of said county shall be, *ex officio*, the clerk of the court of common pleas.

SEC. 2. Said court of common pleas shall have a seal bearing the words "Court of Common Pleas of Sedgwick County, State of Kansas." The board of commissioners of Sedgwick county shall forthwith procure the seal provided for by this section, and shall deliver the same to the clerk of said court of common pleas, who shall hereafter have the custody of said

seal; and all process issued out of said court shall be attested by said seal, and by the signature of said clerk.

The court shall have.

SEC. 3. The court hereby established shall have concurrent original jurisdiction with the district court of said county, of all civil actions excepting actions for divorce and actions for the foreclosure of mortgages, and shall have jurisdiction in addition thereto to try and determine all actions, either civil or criminal, which shall be transferred from said district court to said court of common pleas by authority of this act, or of any other laws of this state; and for the purposes of the jurisdiction hereby conferred, and of its proper and necessary exercise, all the laws of this state relating to the powers and jurisdiction of district courts, and the practice, pleadings and proceedings therein, shall apply to said court of common pleas, and to the mode of procedure therein, and to the process thereof, original, mesne, and final, so far as the same may be applicable.

Proceeding therein shall apply to.

Indictments and informations.

SEC. 4. All indictments and information which shall be filed in criminal actions or proceedings in said county between the first day of July and the last day of December, both inclusive, in each year during which the said court shall be in existence, shall be filed in the said court of common pleas and shall be triable therein; and said court shall have exclusive jurisdiction of such actions, and all the laws of the state relating to the powers and jurisdiction of the district court in criminal actions, and to the practice, pleadings and proceedings therein, shall apply to said court of common pleas and to the mode of procedure therein.

Jurisdiction.

SEC. 5. The court of common pleas shall have original jurisdiction in proceedings in quo warranto, habeas corpus, and mandamus, and may allow injunctions in all proper actions and proceedings. Such court shall have no original jurisdiction of any criminal action or proceeding, except as provided in the preceding section, and no appellate jurisdiction from justices of the peace, or police judges, or from the probate court; but it shall have and possess, concurrent with the district court, supervisory powers over and respecting all courts and tribunals inferior to the district court, to prevent and correct errors and abuses. It shall also have jurisdiction to decree the foreclosure of mortgages on behalf of a party or parties defendant in any action, when such foreclosure shall

Foreclosure.



be necessary to the equitable adjudication of the matters in controversy.

SEC. 6. The judge of the court of common pleas within this county, and respecting actions or proceedings pending, or to be brought in or before the court of common pleas, shall have and exercise jurisdiction and powers in vacation, or at chambers, to hear and determine motions to grant, vacate or modify injunctions, to appoint receivers, to vacate orders of arrest, and to grant or vacate all necessary interlocutory orders, and to punish for contempt; and in all other cases the judge of the court of common pleas may have and exercise the like powers and jurisdiction, in the term-time, or at chambers, respecting actions or proceedings in the court of common pleas, as by law are conferred upon the district judge respecting actions and proceedings in the district court.

The judge of the court of.

SEC. 7. All persons who have been duly admitted to practice in the supreme court, or in any district court of this state, and have not been disbarred or suspended from practice, shall be deemed attorneys of the court of common pleas; but said court of common pleas, for good cause, shall have power to prohibit any attorney from appearing or practicing therein. Every order prohibiting an attorney from appearing or practicing in said court shall be entered upon the journal of proceedings, and shall state the grounds or causes thereof; and the person aggrieved thereby may appeal therefrom to the supreme court.

Persons admitted to practice.

May appeal.

SEC. 8. When a presiding judge of said court is interested in any particular action, or the subject-matter thereof, or has been of counsel therein, or is related to either of the parties thereto, or is disqualified by reason of undue bias or partiality, the parties to such action or their attorneys of record may, by written stipulation to be filed and entered on the journal, select a *pro tem.* judge to try the same, or said action must be transferred to the district court of said county for trial. When the presiding judge of the court of common pleas shall be sick or absent at the commencement of a term, or shall become sick, or shall absent himself during a term before all the cases on the docket for trial at that term are disposed of, a *pro tem.* judge may be selected by the bar for such term or for the residue of such terms; but no such selection can be made unless at least twenty of the attorneys practicing in said court and residing in said county be present and par-

Pro tem judge.

When selected by the bar.

ticipate in the proceedings therefor. Such selection shall be by ballot, and it shall require a majority of all the votes cast to constitute an election. Such selection shall be under the direction of the clerk of said court, and such clerk shall enter upon the journal a record of the proceedings, including the names of all the attorneys participating therein, the result of the final ballot, and the acceptance and qualifying of the person so selected. The judge *pro tem.* shall have the same power and authority as the regular judge while holding court; and *pro tem.* judges chosen by reason of the sickness or absence of the regular judge shall hold until the close of the term at which he was selected, unless the regular judge before that time shall resume the performance of his duties.

Judge *pro tem.*  
shall have power.

Injunctions may  
be.

SEC. 9. When in any action pending, or about to be commenced in the court of common pleas of said county, the judge of said court of common pleas shall be out of the county, the judge of the district court may, upon proper application, grant a temporary injunction or a restraining order in such action, and do and perform any other act proper to be done or performed therein, upon the same terms and in the same manner, and with like effect as probate judges are authorized to act in actions in the district court in the absence from the county of the district judge.

Date of commis-  
sion.

Oath.

SEC. 10. The governor shall appoint and commission a judge for the court hereby created, whose term of office shall commence with the date of his commission, and who shall hold his office until the last day of December, 1891. Before entering upon the duties of his office, the judge of the court of common pleas shall take and subscribe the oath of office required of public officers; such oath of office shall be written and subscribed in duplicate, and one copy thereof shall be filed with the secretary of state, and the other in the office of the county clerk of Sedgwick county.

Salary of.

SEC. 11. The judge of the court of common pleas shall receive for his services a salary of twenty-five hundred dollars per year, payable out of the state treasury in monthly installments, as salaries of district judges are paid.

The clerk shall  
keep.

SEC. 12. The clerk of the court of common pleas shall keep an appearance docket, an execution docket, a trial docket, a journal, a judgment docket, an execution docket, and such books as may be ordered by the court or required by law, and as clerk of such court he shall do and perform all duties

required by law of clerks of the district court, and he shall have for his services as clerk of the court of common pleas the same fees as by law are allowed to the clerks of the district courts for like services, to be taxed and collected as other costs.

Costs to be collected.

SEC. 13. Upon receiving of the clerk of the district court the papers, or record of any cause which shall have been duly transferred from said court to the common pleas, the clerk of the last-named court shall forthwith file the same, treating all the papers so received in any one cause as one paper, and shall enter said cause upon the appearance docket and such other dockets as may be necessary; and thereafter the court of common pleas shall proceed with said cause as if the same had been originally commenced therein.

SEC. 14. The board of commissioners of Sedgwick county shall, at the expense of the county, provide a suitable room for holding the terms of the court of the common pleas; and such board shall also provide a suitable room for the office of the clerk of said court, and for keeping and preserving the records thereof separate and apart from the records of the district court. Such board shall, at the expense of the county, supply such rooms with the necessary and proper furniture, appointments, record books, blanks and stationery, in the same manner as they are by law required to supply the district court room and office of the clerk of the district court; but the required record books and blanks shall be ordered only by the judge and clerk of said court.

Board of commissioners,  
duties of.

SEC. 15. The sheriff of said county, in person or by deputy, shall attend upon the court of common pleas at every term thereof, and shall serve process and execute the orders of said court and perform all such duties as may devolve upon him as the general bailiff of such court. The sheriff shall also appoint a suitable person to attend upon said court as crier and bailiff, whose duties shall be such as shall be prescribed by law, and designated by the court, other than the service of process.

Sheriff, duty of.

SEC. 16. Process issued from the court of common pleas shall be in the form, and shall be directed, executed, and returned, as provided by article thirty-four of the code of civil procedure.

Process issued.

SEC. 17. The terms of the court of common pleas shall be held at the city of Wichita, and during the year eighteen hundred and eighty-nine shall commence and be held on the first

The terms of the court.

Mondays of March, May, September, and November; and thereafter there shall be five terms of said court in each year, commencing respectively on the first Mondays of January, March, May, September, and November.

Jurors, qualifications of.

Proviso.

SEC. 18. All laws relating to the qualifications, drawing, summoning of jurors for the district court, and to the impaneling thereof, shall apply to the jurors for the court of common pleas so far as such laws are applicable, and not inconsistent with this act: *Provided*, That the drawing of jurors for the first term of said court shall be sufficient if made ten days before the commencement of such term. Thirty jurors shall be drawn for each regular term of the court of common pleas, but they shall not be summoned, or required to appear, before the third day of the term, unless otherwise ordered by the judge. It shall not be a good cause for setting aside nor for challenging any person as a juror duly summoned to attend any term of the court of common pleas, that such person has served as juror in the district court at any time prior to such term.

Appeals.

SEC. 19. Appeals from orders, decisions and judgments made by the court of common pleas, or by the judge thereof at chambers, may be taken to, and received, affirmed, reversed or modified by the supreme court, in like manner and with like effect as appeals from like orders, decisions and judgments of the district court or district judge are allowed by law to be taken; and mandates from the supreme court shall be received and entered upon the journal of the court of common pleas, and shall have the same effect as mandates sent from the supreme court to the district court.

The court entitled to.

SEC. 20. The court hereby created shall be entitled to one copy of each volume of the reports of decisions of the supreme court of the state, and to one copy of the statute laws passed at each session of the legislature, and of one copy of the compiled laws of 1885. Such reports, statutes and laws shall be procured by the clerk of the court of common pleas from the state librarian and secretary of state; and he shall cause each volume to be marked or stamped on the first, tenth and twentieth pages thereof, and on the cover, "Court of Common Pleas of Sedgwick County;" and such books shall be kept for the use of said court.

May make such rules.

SEC. 21. The judge of the court of common pleas may make such rules of practice as he may deem necessary and proper,

not inconsistent with the provisions of the code of civil procedure; and he may revise, alter and amend such rules from time to time as occasion may require.

SEC. 22. Unless otherwise provided by law, said court of common pleas shall cease to exist on the 31st day of December, 1891, on which date all actions, proceedings, orders decrees and judgments then pending in said court, and all records, pleadings, processes and other matters belonging or pertaining thereto shall be transferred to the district court of Sedgwick county; and all causes so transferred shall be proceeded with and determined, and all judgments, orders and decrees so transferred shall thenceforth have the same effect, as if such actions and proceedings therein had been commenced and determined in said district court. Cease to exist.

SEC. 23. That four hundred of the civil actions now pending and undetermined in the district court of Sedgwick county, other than actions for the foreclosure of mortgages and actions for divorce and appeals from justices of the peace, police judges, and the probate court, to be designated by the judge of said court, are hereby transferred from such district court to the court of common pleas of said county; and it shall be competent for the parties to any other civil action pending in said district court, except actions for divorce and appeals from justices of the peace, and police judges and the probate court, or their attorneys of record, by a stipulation in writing, filed in said district court, to transfer such action from said district court to said court of common pleas. The clerk of said district court shall forthwith make and certify a copy of any and all journal entries of orders and decisions made in the actions in which the stipulation herein provided shall be filed, other than mere orders of continuance, and deliver such copies, together with all the original papers, pleadings, process and motions in such actions, to the clerk of the court of common pleas; and thereafter said district court shall have no further jurisdiction of any such action, unless the same shall be duly retransferred by order of the court of common pleas. Civil actions now pending.

SEC. 24. Whenever the judge of the district court shall be disqualified from trying any action, civil or criminal, pending in his court, by reason of interest therein, or in the subject-matter thereof, or has been of counsel therein, or is related to either of the parties thereto, or is disqualified by reason of undue bias or partiality therein, such action shall by order of Judge of the district court shall be disqualified.

said court be transferred to the court of common pleas of said county for trial, unless it shall also be made to appear that the judge of the court of common pleas is also disqualified to try said cause. Actions transferred under this section shall be certified by the clerk of the district court to the clerk of the court of common pleas in like manner as those certified under the preceding section.

SEC. 25. The judge of the court of common pleas of Sedgwick county shall have the same power and authority, in the absence from the county of the judge of the district court, to grant temporary injunctions or restraining orders, and to do and perform any other act proper to be done and performed in actions and proceedings pending or about to be commenced in the district court, as are by law conferred upon the probate judge; and such acts when so performed by the judge of the court of common pleas shall have the same effect as if performed by the probate judge.

SEC. 26. This act shall take effect and be in force from and after its passage, and publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXVIII.

### DISTRICT COURTS—BOUNDARIES OF.

AN ACT relating to judicial districts, defining the boundaries of the Sixth, Eighth, Eleventh, Twelfth, Fourteenth, Sixteenth, Seventeenth, Nineteenth, Twenty-first, Twenty-third, Twenty-fourth, and Twenty-seventh Districts; and creating the Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Judicial Districts, and providing for the appointment and the term of office of Judges therefor, for holding terms of court therein, and repealing all acts and parts of acts in conflict with this act; and fixing terms of court in the Ninth Judicial District.

*Be it enacted by the Legislature of the State of Kansas:*

Sixth district.

SECTION 1. That the counties of Linn, Bourbon and Crawford shall constitute the sixth judicial district.

SEC. 2. That the terms of the district court shall commence in each county in the sixth judicial district in each year, as follows: In the county of Linn, on the first Tuesday in February, June, and September; in the county of Bourbon, on the first Tuesday in May, October, and December; in the county of Crawford, on the first Tuesday of April, July, and November.

SEC. 3. That the counties of Davis, Dickinson and Morris shall constitute the eighth judicial district. Eighth district.

SEC. 4. From and after the first day of July, one thousand eight hundred and eighty-nine, the terms of the district court in each county in the eighth judicial district in each year shall commence as follows: In the county of Davis, on the second Tuesday in January, the third Tuesday in April and October; in the county of Dickinson, on the first Tuesday in February, and the second Tuesday in May, and the first Tuesday in September; in the county of Morris, on the fourth Tuesday in March, the third Tuesday in June and November: *Provided*, That no jury shall be summoned for the April term in Davis county, nor for the June term in Morris county, unless ordered by judge of said county: *And provided further*, That the term of court in said counties as now fixed by law shall remain until said July first, 1889. Provided further.

SEC. 5. That the counties of Cherokee, Labette and Montgomery shall constitute the eleventh judicial district. Eleventh district.

SEC. 6. That the terms of the district court shall commence in each county in the eleventh judicial district in each year, as follows: In the county of Cherokee, on the first Tuesday in January, April, and September; in the county of Labette, on the first Tuesday in February, May, and October; in the county of Montgomery, on the first Tuesday in March, June, and November.

SEC. 7. That the counties of Cloud, Republic and Washington shall constitute the twelfth judicial district. Twelfth district.

SEC. 8. That the terms of the district court shall commence in each county in the twelfth judicial district in each year, as follows: In the county of Cloud, on the first Tuesday of January, April, and September; in the county of Republic, on the first Tuesday of February, May, and October; in the county of Washington, on the first Tuesday of March, June, and November.

Fourteenth district.

SEC. 9. That the counties of Lincoln, Russell and Ellsworth shall constitute the fourteenth judicial district.

SEC. 10. That the terms of the district court shall commence in each county in the fourteenth judicial district in each year, as follows: In the county of Lincoln, on the first Tuesday in February and May, and the third Tuesday in October; in the county of Russell, on the first Tuesday in March, June, and September; in the county of Ellsworth, on the second Tuesday in January and the first Tuesday in April and November.

Sixteenth district.

SEC. 11. That the counties of Pawnee, Edwards, Hodge-man and Garfield shall constitute the sixteenth judicial district.

SEC. 12. That the terms of the district court shall commence in each county in the sixteenth judicial district in each year, as follows: In the county of Pawnee, on the first Tuesday in May and October; in the county of Edwards, on the first Tuesday in April and September; in the county of Hodge-man, on the first Tuesday in March and November; in the county of Garfield, on the first Tuesday in June and December.

Seventeenth district.

SEC. 13. That the counties of Phillips, Norton, Decatur, Rawlins and Cheyenne shall constitute the seventeenth judicial district.

SEC. 14. That the terms of the district court shall commence in each county of the seventeenth judicial district in each year, as follows: In the county of Phillips, on the second Monday in January, and the first Monday in May and September; in the county of Norton, on the first Monday in February and the third Monday in May and September; in the county of Decatur, on the fourth Monday in February, and the first Monday in June and the second Monday in October; in the county of Rawlins, on the third Monday in March and June and the first Monday in November; in the county of Cheyenne, on the first Monday in April and the third Monday in November.

Nineteenth district.

SEC. 15. That the county of Sumner shall constitute the nineteenth judicial district.

SEC. 16. That the terms of the district court shall commence in the county composing the nineteenth judicial district in each year as follows: On the first Tuesday in January, April and September, and third Tuesday in November.



SEC. 17. That the counties of Marshall, Riley and Clay shall constitute the twenty-first judicial district. Twenty-first district.

SEC. 18. That the terms of the district court shall commence in each county in the twenty-first judicial district in each year as follows: In the county of Riley, on the first Monday in January, April, and September; in the county of Marshall, on the first Monday in February, May, and October; in the county of Clay, on the first Monday in March, June, and November.

SEC. 19. That the counties of Ellis, Trego, Gove, Logan and Wallace shall constitute the twenty-third judicial district. Twenty-third district.

SEC. 20. That the terms of the district court shall commence in each county in the twenty-third judicial district in each year, as follows: In the county of Ellis, on the second Monday in January, May, and September; in the county of Trego, on the fourth Monday in January, May, and September; in the county of Gove, on the second Monday in February, June and October; in the county of Logan, on the fourth Monday in February, June, and October; in the county of Wallace, on the second Monday in April and November.

SEC. 21. That the counties of Harper and Barber shall constitute the twenty-fourth judicial district. Twenty-fourth district.

SEC. 22. That the terms of the district court shall commence in each county in the twenty-fourth judicial district in each year, as follows: In the county of Harper, on the first Tuesday in January, the second Tuesday in March, the first Tuesday in June, and the first Tuesday in October; in the county of Barber, on the second Tuesday in February, the first Tuesday in May, the first Tuesday in September, and the third Tuesday in November.

SEC. 23. That the counties of Ford, Gray, Finney, Kearny and Hamilton shall constitute the twenty-seventh judicial district. Twenty-seventh district.

SEC. 24. That the terms of the district court shall commence in each county in the twenty-seventh judicial district in each year, as follows: In the county of Finney, on the first Tuesday in February and the fourth Tuesday in May and September; in the county of Gray, on the first Tuesday in April and November; in the county of Ford, on the first Tuesday in January, May, and September; in the county of Kearny, on the third Tuesday in April and November; in

the county of Hamilton, on the first Tuesday in March and the second Tuesday in June and October.

Thirtieth district.

SEC. 25. That the thirtieth judicial district is hereby created, composed of the counties of Ottawa and Saline.

SEC. 26. That the terms of the district court shall commence in each county in the thirtieth judicial district in each year, as follows: In the county of Ottawa, on the first Tuesday in January, May, and September; in the county of Saline, on the first Tuesday in March and the third Tuesday in June and October.

Thirty-first district.

SEC. 27. That the thirty-first judicial district is hereby created, composed of the counties of Comanche, Clark, and Meade.

SEC. 28. That the terms of the district court shall commence in each county in the thirty-first judicial district in each year, as follows: In the county of Comanche, on the first Tuesday in March, July, and November; in the county of Clark, on the first Tuesday in February, June and October; in the county of Meade, on the first Tuesday in January, April and September.

Thirty-second district.

SEC. 29. That the thirty-second judicial district is hereby created, composed of the counties of Seward, Stevens, Morton, Haskell, Grant and Stanton.

SEC. 30. That the terms of the district court shall commence in each county in the thirty-second judicial district in each year, as follows: In the county of Stevens, on the third Tuesday in January, the fourth Tuesday in June, and the third Tuesday in September; in the county of Seward, on the first Tuesday in January, the second Tuesday in June, and the first Tuesday in September; in the county of Morton, on the second Tuesday in February and October; in the county of Haskell, on the second Tuesday in March and November; in the county of Grant, on the second Tuesday in April, and the first Tuesday in December; in the county of Stanton, on the second Tuesday in May and December.

Thirty-third district.

SEC. 31. That the thirty-third judicial district is hereby created, composed of the counties of Rush, Ness, Lane, Scott, Wichita and Greeley.

SEC. 32. That the terms of the district court shall commence in each county in the thirty-third judicial district in each year, as follows: In the county of Rush, on the second Tuesday in

January, second Tuesday in April, and first Tuesday in September; in the county of Ness, on the fourth Tuesday in January, first Tuesday in May, and fourth Tuesday in September; in the county of Lane, on the second Tuesday in February, third Tuesday in May, and second Tuesday in October, in the county of Scott, on the fourth Tuesday in February, the first Tuesday in June, and the fourth Tuesday in October; in the county of Wichita, on the second Tuesday in March, third Tuesday in June, and the third Tuesday in November; in the county of Greeley, on the fourth Tuesday in March, second Tuesday in July and December.

SEC. 33. That the thirty-fourth judicial district is hereby created, composed of the counties of Rooks, Graham, Sheridan, Thomas, and Sherman. Thirty-fourth district.

SEC. 34. That the terms of the district court shall commence in each county in the thirty-fourth judicial district in each year as follows: In the county of Rooks, on the second Monday in January, the first Monday in May and September; in the county of Graham, on the first Monday in February, the third Monday in May and September; in the county of Sheridan, on the fourth Monday in February, the first Monday in June, and the second Monday in October; in the county of Thomas, on the third Monday in March and June, and the first Monday in November; in the county of Sherman, on the first day in April and July, and the third Monday in November.

SEC. 35. That the thirty-fifth judicial district is hereby created, composed of the counties of Pottawatomie, Wabaunsee, and Osage. Thirty-fifth district.

SEC. 36. That the terms of the district court shall commence in each county in the thirty-fifth judicial district in each year, as follows: In the county of Pottawatomie, on the first Tuesday in January, April, and September; in the county of Wabaunsee, on the first Tuesday in February, May, and October; in the county of Osage, on the first Tuesday in March, June, and November.

SEC. 37. The terms of court, from and after taking effect of this act, in the ninth judicial district of the state of Kansas, shall be held as follows: In the county of Reno, the first Tuesday of January, March, and September; in the county of Harvey, the first Tuesday of February, the third Tuesday of May and November.

The governor to  
appoint.

SEC. 38. That the governor of the state is hereby authorized and empowered to appoint a judge for each of the districts hereby created, whose term of office shall commence from and after the passage of this act, and his appointment and qualification as such judge; and he shall hold his office until the second Monday in January, 1890; and said judge shall have all the power and perform all the duties that are now conferred by law upon district judges. At the general election held in 1889, and every four years thereafter, there shall be elected a judge in each of the districts hereby created, who shall hold his office for the term of four years from the second Monday in January after his election.

Term of.

Processes issued  
out of.

SEC. 39. That all writs, processes, orders, recognizances, bonds and notices, either by publication or otherwise, issued out of or made returnable, or given in any proceedings in the district courts of any of the counties included in this act, and shall have been issued or been given prior to the passage of this act, shall by the force of this act refer to the first term of the court held in each of said counties under this act; and any proceedings pending in the district court of any of the counties included in this act shall be taken up and proceeded with at the terms herein specified for holding the district courts in said counties, the same as if no changes had been made in the time for holding said courts.

Duty of the  
judge.

SEC. 40. When in any case by the provisions of this act a county is detached from the judicial district to which it before belonged, and any case pending in the district court of such county has at any time been tried by the judge of said court and by him taken under advisement, and is still undecided, it shall be the duty of the judge who tried said cause to make and render his findings and judgment therein, and to determine all the motions therein, and to allow and settle the case made therein in all respects as though such county had not been detached from his district.

SEC. 41. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 42. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXIX.

## FIRST JUDICIAL DISTRICT.

AN Act to fix the time of holding the terms of the district court of the First Judicial District, and to repeal all acts inconsistent with this act.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The terms of the district court of the first judicial district shall hereafter commence as follows, to wit: In the county of Leavenworth, on the third Monday of April, third Monday in September, and the first Monday in December; in the county of Jefferson, on the first Monday of February, the third Monday of May, and the third Monday in October; in the county of Jackson, the third Monday in March, the first Monday in June, and the second Monday in November, in each year.

SEC. 2. Section one, chapter one hundred and thirty-six of the session laws of 1887, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 20, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 21, 1889.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXX.

## THIRD JUDICIAL DISTRICT.

AN Act respecting the Third Judicial District, and for other purposes.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of Shawnee county are authorized and directed to provide and

furnish the judge of the third judicial district suitable rooms for his chambers, and to provide the same with necessary furniture, fuel, lights, and janitor.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 22, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXI.

### THIRTEENTH JUDICIAL DISTRICT.

AN ACT fixing the times for holding the regular terms of the district court in the Thirteenth Judicial District, and to provide for adjourned and special terms of court therein, and to repeal chapter one hundred and seventeen of the laws of 1885.

*Be it enacted by the Legislature of the State of Kansas:*

Terms of the district court.

SECTION 1. The regular terms of the district court in the thirteenth judicial district shall commence in each of the counties therein in each year, as follows: In the county of Elk, on the first Monday in the months of February, May, and October; in the county of Chautauqua, on the fourth Tuesday in February and on the second Tuesday in June and November; and in the county of Cowley, on the first Tuesdays in the months of April and September and on the third Tuesday in the month of December.

To adjourn.

SEC. 2. It shall be lawful for the judge of said district to adjourn any regular term of court so to be held therein to a future day, and to continue the transaction of business therein, appearing upon the records thereof, with like effect as if completed in any such regular term without adjournment: *Provided*, That special terms of court may also be convened and held by the judge of said district when necessary.

Proviso.

To be returnable.

SEC. 3. All summonses, subpoenas, bonds, recognizances,

and all other processes which may have been or may be issued and made returnable to the terms of the district court of the respective counties as heretofore required to be held, shall be deemed and are by this act made returnable to the terms of court as herein required to be held. All notices which may have been given either by publication or otherwise, with reference to the terms of court as heretofore required to be held, or any or either of them, shall by force of this act refer to the terms of court as required to be held in the respective counties by this act; and all proceedings, causes, actions and matters pending in said courts shall be taken up and proceeded with at the terms herein specified to be held, the same as if no change was herein made in the time of holding the same.

All notices which may.

SEC. 4. Chapter one hundred and seventeen of the laws of 1885 is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXXII.

### SIXTEENTH JUDICIAL DISTRICT.

AN ACT to fix the times of holding the district court in the Sixteenth Judicial District, and repealing all acts in conflict with this act.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the terms of the district court of the sixteenth judicial district shall commence in each county in each year, as follows: In the county of Pawnee, on the first Tuesday in April, the third Tuesday in September, and the first Tuesday in December; in the county of Edwards, on the second Tuesday in January, the first Tuesday in May, and the

Pawnee county.

Edwards county.

Hodgeman  
county.

Garfield county.

third Tuesday in October; in the county of Hodgeman, on the second Tuesday in February, the first Tuesday in June, and the third Tuesday in November; in the county of Garfield, on the second Tuesday in March and the first Tuesday in September.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 22, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXIII.

### TWENTIETH JUDICIAL DISTRICT.

AN ACT to regulate terms of court in the Twentieth Judicial District, and to repeal all acts in conflict herewith.

*Be it enacted by the Legislature of the State of Kansas:*

Rice county.

Stafford county.

Barton county.

SECTION 1. That terms of court in the twentieth judicial district shall hereafter be held as follows: In the county of Rice, on the first Tuesday of January, on the first Tuesday of April, and on the first Tuesday of September; in the county of Stafford, on the first Tuesday of February, on the first Tuesday of May, and on the first Tuesday of October; in the county of Barton, on the first Tuesday of March, on the first Tuesday of June, and on the first Tuesday of November.

SEC. 2. All acts or parts of acts in conflict herewith are repealed hereby.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper, but it shall not affect the term of court for the month of March, 1889, as provided for in the act heretofore in force.

Approved February 25, 1889.



I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXXIV.

### TWENTY-FIFTH JUDICIAL DISTRICT.

AN ACT fixing the terms of district court in the Twenty-fifth Judicial District.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The terms of the district court of the twenty-fifth judicial district shall commence in each year as follows: In the county of McPherson, on the first Tuesday of January, April, and October; in the county of Chase, on the first Tuesday of February and May, and the first Wednesday after the first Monday in November; in the county of Marion, on the first Tuesday of March, September, and December.

McPherson  
county.  
Chase county.

Marion county.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXXV.

### TWENTY-EIGHTH JUDICIAL DISTRICT.

AN ACT to regulate and fix the terms of the District Court of the Twenty-eighth Judicial District.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The terms of the district court for the twenty-eighth judicial district shall commence in each year as follows: In the county of Pratt, on the third Tuesday in January, the

Pratt county.

**Kiowa county.** first Tuesday in May, and the first Tuesday in October; in the county of Kiowa, on the first Tuesday in March, the first Tuesday of June, and the first Tuesday of November; in the county of Kingman, on the first Tuesday of April, the first Tuesday of September, and the first Tuesday of December.

**Kingman county.**

**All summons and other processes.** SEC. 2. All summons, subpoenas, bonds, recognizances, and all other processes, and all notices either by publication or otherwise, issued out of or made returnable to, or given in any proceeding in said district court, and which shall have been issued or been given prior to the passage of this act, shall by the force of this act refer to the first term of court held under this act; and proceedings pending in said district court shall be taken up and proceeded with at the time herein specified for holding the district court in said counties, and the same as if no change had been made in the time of holding said courts.

SEC. 3. All previous acts or parts of acts, so far as they prescribe the time for holding the district court in any county of the twenty-eighth judicial district, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXVI.

### THIRTY-SECOND JUDICIAL DISTRICT.

AN ACT to fix the time of holding the terms of the district court of the Thirty-second Judicial District, and repealing all acts in conflict herewith.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the terms of the district court shall commence in each county in the thirty-second judicial district in each year, as follows: In the county of Seward, on the first

Tuesday in January, the second Tuesday in June, and the first Tuesday in September; in the county of Stevens, on the Stevens county. third Tuesday in January, the fourth Tuesday in June, and third Tuesday in September; in the county of Morton, on the Morton county. second Tuesday in February and October; in the county of Haskell, on the third Tuesday in May and second Tuesday in November; in the county of Grant, on the second Tuesday Grant county. in April and the first Tuesday in December; in the county Stanton county. of Stanton, on the first Tuesday in May and the third Tuesday in December.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXXVII.

### CRIMINAL PROCEDURE, CODE OF.

AN ACT relating to the code of criminal procedure, and amendatory of sections 149 and 287 of chapter 82 of the General Statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one hundred and forty-nine of chapter eighty-two of the general laws of 1868 be amended so as to read as follows: Sec. 149. The bail at any time before final judgment against him upon a forfeited recognizance, May surrender his. may surrender his principal in open court or to the sheriff, and upon payment of all costs and upon presenting a satisfactory excuse for the failure of his principal to comply with the conditions of said recognizance, may thereupon be discharged from any further liability thereon.

SEC. 2. Section two hundred and eighty-seven of an act

entitled "An act to establish a code of criminal procedure," approved February 20, 1868, be and the same is hereby amended so as to read as follows: Sec. 287. An appeal to the supreme court, from a judgment of conviction, shall stay the execution, when the judgment is for a fine, or fine and costs only. In all other cases the execution of the judgment shall be stayed by the order of the supreme court or any justice thereof, upon the appellant giving bond in such sum as said court or justice shall prescribe, said bond to be approved by said court or any justice thereof; and in default thereof the defendant shall remain in the custody of the sheriff until the further order of the supreme court: *Provided*, That when the conviction is for an offense not bailable, the supreme court, or a justice thereof, shall make order for the safe-keeping of the appellant in the jail of the county in which the offense was alleged to have been committed, or in case of no sufficient jail in such county, then in the jail of the county nearest having a sufficient jail: *And provided further*, That the appellant availing himself of the benefits of this act shall take his appeal within thirty (30) days after the judgment is rendered, and shall file the transcript with the clerk of the supreme court, and shall make his application to the supreme court, or justice thereof, within ninety (90) days after the appeal is taken.

An appeal to the.

Execution stayed by.

Proviso.

Provided further.

SEC. 3. The said original sections one hundred and forty-nine and two hundred and eighty-seven of said chapter are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXVIII.

## CRIMINAL PROCEEDINGS, LIMITING COUNTIES FOR COSTS.

AN ACT to limit the liability of counties for costs in certain criminal proceedings.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. No county in this state shall be liable for costs of any kind in criminal cases, whether examinations or trials, had before a justice of the peace, unless in case of conviction, or that the same have been instituted under the instructions and advice of the county attorney of such county: *Provided*, That the county may be liable for such costs, in the same manner and to the same extent in these cases as in others, whenever the county attorney shall certify in writing upon the fee bill in any case that it was proper that such case should have been instituted, and that consultation with him prior thereto was impracticable.

Liabie for costs.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXIX.

## UNLAWFULLY USING G. A. R. AND OTHER BADGES.

AN ACT to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic and insignia of the military order of the Loyal Legion of the United States.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Any person who shall willfully wear the badge, insignia, or any button, uniform, or other emblem to be worn or

The badge.

Guilty of.

used by members of said orders, or any imitation or counterfeit thereof, of the Grand Army of the Republic, or of the military order of the Loyal Legion of the United States, or who shall use or wear the same to obtain aid or assistance thereby within the state, unless he shall be entitled to use or wear the same under the rules and regulations of the department of Kansas Grand Army of the Republic, or the commandery-in-chief of the military order of the Loyal Legion of the United States, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty days, or a fine not to exceed twenty-five dollars, or by both such fine and imprisonment.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXX.

### CRUELTY TO ANIMALS—PREVENTION OF.

AN ACT for the prevention of cruelty to animals.

*Be it enacted by the Legislature of the State of Kansas:*

Shall be punished.

SECTION 1. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or killed, and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter or protection from the weather, shall be punished by imprisonment in jail not exceeding one year, or by fine not

exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

SEC. 2. Every owner, possessor or person having the charge Having charge or custody of. or custody of an animal, who cruelly drives or works it when unfit for labor, or cruelly abandons it, or carries it, or causes it to be carried, in or upon a vehicle or otherwise in an unnecessarily cruel or inhuman manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind, shall be punished in the manner provided in the preceding section.

SEC. 3. Any officer or agent of any duly incorporated humane society may take any animal found abandoned that may appear to be diseased or disabled beyond recovery for any useful purpose, and thereupon shall, as quickly as may be, cause such animal to be appraised under oath by two reputable citizens, who shall view the same in his presence and determine its value, and if such appraised value does not exceed five dollars, such officer may at once cause said animal to be killed in a humane manner. Said society shall there- To be appraised. upon be indebted to the owner for the amount of its value, except when the appraisers determine that the death of the animal was rendered necessary by the owner's willful abandonment or cruelty; and said society shall pay to the appraisers Be indebted to. a reasonable compensation for their services.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXXXI.

### DAMAGES—ACTION FOR, BY WIDOW OR NEXT OF KIN.

AN ACT relating to actions for damages by the widow or next of kin of any deceased person, and supplemental to section 422 of chapter 80 of the general laws of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That in all cases where the residence of the party whose death has been or hereafter shall be caused as set forth in section 422 of chapter 80, laws of 1868, is or has been at the time of his death in any other state or territory, or when, being a resident of this state, no personal representative is or has been appointed, the action provided in said section 422 may be brought by the widow, or where there is no widow, by the next of kin of such deceased.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 22, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXXII.

### DAVIS COUNTY—CHANGE OF NAME.

AN ACT to change the name of Davis county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the name of Davis county, in this state, is hereby changed to Geary county.

SEC. 2. All statutes and parts of statutes in which the name of Davis county occurs shall be construed to apply to Geary



county as fully as though the word Geary was substituted for the word Davis in every place in which the name Davis county occurs.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 7, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXXXIII.

DIETER, J. GEO.

AN ACT permitting J. Geo. Dieter, of Oak Hill, Clay county, to avail himself of the provisions of section 2, chapter 174 of laws of 1887, on or before May 1, 1889.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That Geo. J. Dieter, of Oak Hill, Clay county, is hereby authorized and empowered to avail himself of the provisions of section 2, of chapter 174, session laws 1887, "relating to the practice of pharmacy, and permitting the filing of an affidavit in certain cases:" *Provided*, He file such affidavit as is required by said section on or before May 1, 1889, whereupon the state board of pharmacy is hereby authorized and directed to issue to said J. Geo. Dieter a certificate as registered pharmacist, the same as if said affidavit had been filed within the time specified in said law. Provided.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXXIV.

## DESTITUTE AND FRIENDLESS CHILDREN—CONTROL OF.

AN ACT relating to the control and management of destitute and friendless children.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That any corporation heretofore organized under the laws of the state of Kansas having for its purpose the establishment and maintenance of a children's home for the control and management of destitute and friendless children, is hereby authorized and empowered to receive and retain such children, and provide them with homes until they reach their majority, upon such terms as the board of directors of such corporation may determine.

Any parent unable.

SEC. 2. Any parent or parents unable to provide for their children, or furnish them the necessary support, may relinquish to such corporation, in writing, the control and management of such children; and if the board of directors of said corporation, or the president thereof, shall accept such control and management, such corporation shall thereupon be vested with the custody and management of said children as provided in section three of this act.

Legal custody of.

SEC. 3. Such corporation shall have the legal custody of all children which have heretofore been received into such home, or as shall hereafter be committed to it by the legal or natural guardian or guardians of such children, or by any magistrate of any county in which such home is located, with the consent of the board of directors of such home; and in any of the above cases such corporation, through its directors or president, shall have and possess over such children all the rights appertaining to the natural or legal guardians; and the board of directors of such corporation may in their discretion make any suitable or proper provision for the care and custody of such children for a term of years, or until such children reach their majority; and the president of the board of directors of any such corporation may appear in the probate court of any county where such home or asylum is located, without the consent of either parent or guardian, and consent to the adop-

tion of such children, conformable to the laws of the state concerning apprentices.

SEC. 4. It shall be lawful for such corporation to receive donations and bequests and to apply the same to the support of said home, and the proper authorities of any city or county having a population of more than thirty thousand are hereby authorized and empowered to make such appropriation for the benefit of such home as they shall from time to time deem expedient.

SEC. 5. Said corporation shall have the power to purchase and sell such real and personal property as the board of directors may deem to be for the interest of the corporation.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 19, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXXV.

### FEES AND SALARIES—BUTLER COUNTY.

AN Act regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney, Probate Judge and Register of Deeds of Butler county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county treasurer of Butler county shall be allowed by the board of county commissioners as full compensation for his services the sum of three thousand dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer respectively as fees under existing laws for the preceding quarter shall be first deducted from said quarterly installment: *And provided*

Provided  
further.

*further*, That nothing in this act shall be construed as affecting the law in relation to mileage, in settling with the state treasurer.

Clerk.

Sum of.

Proviso.

Provided  
further.

SEC. 2. The county clerk of Butler county shall be allowed by the board of county commissioners as full compensation for his services the sum of two thousand four hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the county clerk respectively as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary of the term shall not be paid until thirty days after expiration of said term, and not until after the county commissioners have found upon examination that all the work of the office has been completed up to the end of the term.

County attorney.

Sum of.

Proviso.

SEC. 3. The county attorney of Butler county shall be allowed by the board of county commissioners as full compensation for his services a salary of fifteen hundred dollars per annum until the county shall have attained a population of thirty thousand, as shown by the returns of the assessors, after which he shall be entitled to an increase of salary of one hundred dollars per annum for every one thousand increase of population. Said salary shall be paid quarterly out of the county treasury of said county, upon the order of the board of county commissioners: *Provided*, That this act shall not be construed in any way to affect the fees now provided by law for said county attorney.

Proviso.

SEC. 4. The probate judge of Butler county shall receive in full compensation for his services the fees prescribed and allowed by law, and shall keep an accurate account of the same, but shall not be entitled to receive any salary from the county: *Provided, however*, That if the fees of said office respectively shall not in any one year aggregate the sum of fifteen hundred dollars, that such officer shall receive from the treasury of the county, upon the order of the board of county commissioners, a sum sufficient to make the compensation for his services of said office for such year reach the sum of fifteen hundred dollars; and if such fees aggregate more than fifteen hundred dollars, one-half in excess thereof shall be turned by him over to the treasurer of said county, taking duplicate re-

ceipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

SEC. 5. The register of deeds of Butler county shall receive as full compensation for his services such fees as are now provided by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbering town lots, by one instrument in a body, he shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided*, That he shall keep an accurate account of all fees charged by him, and if any one quarter of the year he shall receive more than six hundred dollars he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

Register of deeds.

Fees.

Proviso.

SEC. 6. Every officer above named whose duty it is to keep an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

Officers, duties of.

Guilty of.

SEC. 7. This act shall take effect and be in force from and after its publication in the statute book, and after the present term of the officers hereinbefore named shall have expired.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXXXVI.

## FEES AND SALARIES—CRAWFORD COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney and Register of Deeds of Crawford county.

*Be it enacted by the Legislature of the State of Kansas :*

Treasurer.

Sum of.

SECTION 1. The county treasurer of Crawford county shall be allowed by the board of county commissioners of said county as full compensation for his services the sum of twenty-five hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer as fees under existing laws for the preceding quarter shall be first deducted from said quarterly installments.

Clerk.

Sum of.

SEC. 2. The county clerk of Crawford county shall be allowed by the board of county commissioners as full compensation for his services the sum of eighteen hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the clerk as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary shall not be paid until thirty days after the expiration of said term, and not until the county commissioners have found upon examination that all of the work of the office has been completed up to the end of the term.

County attorney.

Salary.

SEC. 3. The county attorney of Crawford county shall be allowed by the board of county commissioners as full compensation for his services a salary of twelve hundred dollars per annum until the county shall have attained a population of thirty-five thousand, as shown by the returns of the assessor, after which he shall be entitled to an increase of salary of one hundred dollars per annum for every one thousand increase of population. Said salary shall be paid out of the county treasury of said county, upon the order of the board of county commissioners: *Provided*, That this act shall not be construed

in any way to affect the fees now provided by law for said county attorney.

SEC. 4. The register of deeds of Crawford county shall receive as full compensation for his services such fees as are now provided for by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbrancing town lots, by one instrument in a body, he shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided, however,* That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than \$625 he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

SEC. 5. Every officer above named whose duty it is to keep an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

SEC. 6. This act shall take effect and be in force from and after its publication in the statute book, and after the present term of the office-holders hereinbefore named shall have expired.

Approved February 20, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXXXVII.

## FEES AND SALARIES—DAVIS COUNTY.

AN ACT to regulate the salary of County Superintendent of Public Instruction of Davis county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county superintendent of public instruction of Davis county shall be allowed by the board of county commissioners of said county as full compensation for his services a salary of one thousand dollars per annum, which compensation shall be payable quarterly, on the order of the board of county commissioners: *Provided*, Nothing in this act shall be construed as affecting any of the duties of the office of county superintendent of public instruction.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXXXVIII.

## FEES AND SALARIES—DICKINSON COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney, Probate Judge and Register of Deeds of Dickinson county, Kansas, and to repeal chapter 157 of the session laws of 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county treasurer of Dickinson county shall be allowed by the board of county commissioners as full compensation for his services the sum of three thousand dol-

Treasurer.

Sum of.



lars per annum. Said salary shall be paid out of the county treasury, in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer respectively as fees under existing laws for the preceding quarter shall be first deducted from said quarterly installment: *And provided further*, That nothing in this act shall be construed as affecting the law in relation to mileage, in settling with the state treasurer.

SEC. 2. The county clerk of Dickinson county shall be Clerk. allowed by the board of county commissioners as full compensation for his services the sum of two thousand four hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the county clerk respectively as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary of the term shall not be paid until thirty days after expiration of said term, and not until after the county commissioners have found upon examination that all the work of the office has been completed up to the end of the term. Sum of.

SEC. 3. The county attorney of Dickinson county shall be County attorney. allowed by the board of county commissioners as full compensation for his services a salary of fifteen hundred dollars Salary of. per annum until the county shall have attained a population of thirty thousand, as shown by the returns of the assessors; after which he shall be entitled to an increase of salary of one hundred dollars per annum for every one thousand increase of population. Said salary shall be paid quarterly out of the county treasury of said county, upon the order of the board of county commissioners: *Provided*, That this act shall not be construed in any way to affect the fees now provided by law for said county attorney.

SEC. 4. The probate judge of Dickinson county shall receive Probate judge. in full compensation for his services the fees prescribed and allowed by law, and shall keep an accurate account of the same, but shall not be entitled to receive any salary from the county: *Provided, however*, That if the fees of said office respectively shall not in any one year aggregate the sum of fifteen Sum of. hundred dollars, that such officer shall receive from the treas-

ury of the county, upon the order of the board of county commissioners, a sum sufficient to make the compensation for his services of said office for such year reach the sum of fifteen hundred dollars, and if such fees aggregate more than fifteen hundred dollars, one-half in excess thereof shall be turned by him over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

Register of deeds.

Fees.

SEC. 5. The register of deeds of Dickinson county shall receive as full compensation for his services such fees as are now provided by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbrancing town lots, by one instrument in a body, he shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided*, That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than five hundred dollars he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

Clerk of district court.

SEC. 6. The clerk of the district court of Dickinson county, Kansas, shall receive as compensation for his services the sum of two thousand dollars, which sum shall be paid to the clerk by the county commissioners of said county in four quarterly installments of five hundred dollars each, and in addition thereto one-half of all fees collected by him, as now provided by law, in excess of two thousand dollars; and it shall be the duty of the district clerk to collect all fees, as now provided by law, and pay the same into the treasury of said county quarterly, except one-half of the excess over two thousand dollars, taking duplicate receipts therefor, one of which shall be deposited with the county clerk, and the fees so deposited in the treasury of said county shall become part of the general fund of said county. The clerk of the district court shall furnish to the treasurer at the end of each quarter an itemized statement, duly verified, of all fees received by him during the preceding quarter.

Clerk, duty of.

SEC. 7. That chapter 157 of session laws of 1887 be and the same is hereby repealed.

SEC. 8. Every officer above named whose duty it is to keep <sup>Officers, duties</sup> an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction shall <sup>Guilty of.</sup> be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

SEC. 9. This act shall take effect and be in force from and after its publication in the statute book, and after the present term of the officers hereinbefore named shall have expired.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXXXIX.

### FEES AND SALARIES—JOHNSON COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney and Register of Deeds of Johnson county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county treasurer of Johnson county shall <sup>Treasurer.</sup> be allowed by the board of county commissioners of said county as full compensation for his services the sum of twenty- <sup>Sum of.</sup> six hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer as fees under existing laws for the preceding quarter shall be first deducted from said quarterly installments.

SEC. 2. The county clerk of Johnson county shall be al- <sup>County clerk.</sup> lowed by the board of county commissioners as full compensation for his services the sum of two thousand dollars per <sup>Sum of.</sup>

annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the clerk as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary shall not be paid until thirty days after the expiration of said term, and not until the county commissioners have found upon examination that all of the work of the office has been completed up to the end of the term.

County attorney. SEC. 3. The county attorney of Johnson county shall be allowed by the board of county commissioners as full compensation for his services a salary of ten hundred dollars per annum until the county shall have attained a population of thirty-five thousand, as shown by the returns of the assessors, after which he shall be entitled to an increase of salary of one hundred dollars per annum for every one thousand increase of population. Said salary shall be paid out of the county treasury of said county, upon the order of the board of county commissioners: *Provided*, That this act shall not be construed in any way to affect the fees now provided by law for said county attorney.

Register of deeds. SEC. 4. The register of deeds of Johnson county shall receive as full compensation for his services such fees as are now provided for by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbrancing town lots by one instrument in a body, he shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided, however*, That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than five hundred dollars (\$500), he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

Officers, duties of. SEC. 5. Every officer above named whose duty it is to keep an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction shall

be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

SEC. 6. This act shall take effect and be in force from and after its publication in the statute book, and after the present term of the officeholders hereinbefore named shall have expired.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXL.

### FEES AND SALARIES—LABETTE COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney, Probate Judge, County Auditor and Register of Deeds of Labette county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county treasurer of Labette county shall be Treasurer.  
allowed by the board of county commissioners of said county  
as full compensation for his services the sum of twelve hun- Sum of.  
dred and fifty dollars per annum, and the board of county  
commissioners may make additional allowance not exceeding  
one thousand dollars for a deputy, which salaries shall be paid  
out of the county treasury in quarterly installments, upon the  
order of the board of county commissioners: *Provided*, That  
the amount collected by the said county treasurer as fees under  
existing laws for the preceding quarter shall be first deducted  
from each quarterly installment of his salary: *And provided*  
*further*, That this section shall not affect the provisions of law  
in relation to mileage.

SEC. 2. The county clerk of Labette county shall be allowed County clerk.  
by the board of county commissioners as full compensation  
for his services the sum of twelve hundred and fifty dollars Sum of.  
per annum, in addition to which the board of county com-

missioners of said county may allow said county clerk a sum not exceeding six hundred dollars for clerk hire, which salaries shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the county clerk as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary of the term shall not be paid until thirty days after the expiration of said term, and not until after the county commissioners have found upon examination that all the work of the office has been completed up to the end of the term.

County attorney. SEC. 3. The county attorney of Labette county shall be allowed by the board of county commissioners as full compensation for his services a salary of twelve hundred and fifty dollars per annum until the county shall have attained a population of thirty thousand, as shown by the returns of the assessors, after which he shall be entitled to an increase of salary of one hundred dollars per annum for every one thousand increase of population. Said salary shall be paid out of the county treasury of said county, upon the order of the board of county commissioners: *Provided*, That this act shall not be construed in any way to affect the fees now provided by law for said county attorney.

Probate judge. SEC. 4. The probate judge of Labette county shall receive in full compensation for his services the fees prescribed and allowed by law, and shall keep an accurate account of the same, but shall not be entitled to receive any salary from the county: *Provided, however*, That if the fees of said office shall not in any one year aggregate the sum of twelve hundred and fifty dollars, that such officer shall receive from the treasurer of said county, upon order of the board of county commissioners, a sum sufficient to make the compensation for the services of said office for such year reach the sum of twelve hundred and fifty dollars; and if such fees aggregate more than twelve hundred and fifty dollars, one-half in excess thereof shall be turned by him over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

Register of deeds. SEC. 5. The register of deeds of Labette county shall receive as full compensation for his services such fees as are

Fees.

now provided for by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbrancing town lots, by one instrument in a body, he shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided, however*, That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than \$300 he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

SEC. 6. Every officer above named whose duty it is to keep Officers, duty of. an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall Guilty of. be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

SEC. 7. That chapter one hundred and fifty-nine of the session laws of 1887, the same being an act regulating the fees and salaries of certain county officers therein named, in so far as the same is in conflict herewith, is hereby repealed; and the provisions hereof shall supersede and stand in lieu of all other statutes, general or special, fixing the compensation of the county officers herein named.

SEC. 8. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXLI.

## FEES AND SALARIES—MONTGOMERY COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney, Probate Judge and Register of Deeds of Montgomery county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

Treasurer.

Sum of.

SECTION 1. The county treasurer of Montgomery county shall be allowed by the board of county commissioners as full compensation for his services the sum of three thousand dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer respectively as fees under existing laws for the preceding quarter shall be first deducted from said quarterly installment: *And provided further*, That nothing in this act shall be construed as affecting the law in relation to mileage, in settling with the state treasurer.

County clerk.

Sum of.

SEC. 2. The county clerk of Montgomery county shall be allowed by the board of county commissioners as full compensation for his services the sum of two thousand four hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the county clerk respectively as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary of the term shall not be paid until thirty days after the expiration of said term, and not until after the county commissioners have found upon examination that all the work of the office has been completed up to the end of the term.

County attorney.

A salary of.

SEC. 3. The county attorney of Montgomery county shall be allowed by the board of county commissioners as full compensation for his services a salary of fifteen hundred dollars per annum until the county shall have attained a population of thirty thousand, as shown by the returns of the assessors, after which he shall be entitled to an increase of salary of one



hundred dollars per annum for every one thousand increase of population. Said salary shall be paid quarterly out of the county treasury of said county, upon the order of the board of county commissioners: *Provided*, That this act shall not be construed in any way to affect the fees now provided by law for said county attorney.

SEC. 4. The probate judge of Montgomery county shall receive in full compensation for his services the fees prescribed and allowed by law, and shall keep an accurate account of the same, but shall not be entitled to receive any salary from the county: *Provided, however*, That if the fees of said office respectively shall not in any one year aggregate the sum of fifteen hundred dollars, that such officer shall receive from the treasury of the county, upon the order of the board of county commissioners, a sum sufficient to make the compensation for his services of said office for such year reach the sum of fifteen hundred dollars; and if such fees aggregate more than fifteen hundred dollars, one-half in excess thereof shall be turned by him over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

SEC. 5. The register of deeds of Montgomery county shall receive as full compensation for his services such fees as are now provided by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbrancing town lots, by one instrument in a body, he shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided*, That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than six hundred dollars he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

SEC. 6. Every officer above named whose duty it is to keep an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction

shall be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

SEC. 7. This act shall take effect and be in force from and after its publication in the statute book, and after the present term of the officers hereinbefore named shall have expired.

Approved February 20, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CXLII.

### FEES AND SALARIES—OSAGE COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer, County Clerk, County Attorney, Probate Judge, County Auditor, Register of Deeds and Superintendent of Public Instruction of Osage county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

Treasurer.

SECTION 1. The county treasurer of Osage county shall be allowed by the board of county commissioners as full compensation for his services the sum of (\$3,500) thirty-five hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer as fees under the existing laws for the preceding quarter shall be first deducted from said quarterly installment: *Provided also*, That nothing in this act shall be construed as affecting the laws in relation to mileage, in settling with the state treasurer.

County clerk.

SEC. 2. The county clerk of Osage county shall be allowed by the board of county commissioners as full compensation for his services, except as provided further in chapter No. 183 of the session laws of 1872, allowing the commissioners to employ an assistant, the sum of (\$1,800) eighteen hundred dollars per annum. Said salary shall be paid out of the

county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the county clerk as fees under existing laws during the preceding quarter, including fees for the transfer of deeds, shall be deducted from said quarterly installment: *And provided further*, That the last quarter's salary of the term shall not be paid until thirty days after the expiration of said term, and not until after the county commissioners have found upon examination that all the work of the office has been completed up to the end of the term.

SEC. 3. The county attorney of Osage county shall be allowed by the board of county commissioners as full compensation for his services a salary of (\$1,200) twelve hundred dollars per annum until the county shall have attained a population of thirty thousand, as shown by the returns of the assessor, after which he shall be entitled to an increase of salary of one hundred dollars per annum for every one thousand increase of population. Said salary shall be paid out of the county treasury of said county upon the order of the board of county commissioners, in quarterly installments: *Provided*, That this act shall not be construed in any way to affect the fees now provided by law for said county attorney. County attorney.

SEC. 4. The probate judge of Osage county shall receive in full compensation for his services the fees prescribed and allowed by law, and shall keep an accurate account of the same, but shall not be entitled to receive any salary from the county, except as provided in chapter No. 165 of the session laws of 1887: *Provided, however*, That if the fees of said office aggregate more than (\$2,100) twenty-one hundred dollars per annum, one-half in excess thereof shall be turned by him over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county. Probate judge.

SEC. 5. The auditor of Osage county shall receive as full compensation for his services the sum of one dollar per annum, and no more. Auditor.

SEC. 6. The register of deeds of Osage county shall receive, as full compensation for his services such fees as are now provided for by law, except that in placing on the numerical index in his office, town plats, or deeds conveying or mortgages incumbering town lots by one instrument in a body, he Register of deeds.

shall receive five cents only for each lot in excess of twenty-five lots and less than fifty lots, and three cents for each lot in addition thereto: *Provided, however,* That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than (\$750) seven hundred and fifty dollars he shall turn one-half of such excess over to the treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk, and it shall become a part of the general fund of the county.

Superintendent  
of instruction.

SEC. 7. The superintendent of public instruction of Osage county shall receive as full compensation for his services the sum of (\$1,200) twelve hundred dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners.

Officers, duties  
of.

SEC. 8. Every officer above named whose duty it is to keep an accurate account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed (\$500) five hundred dollars; and no salary or part thereof shall be paid or allowed until such return has been made.

Guilty of.

SEC. 9. This act shall take effect and be in force from and after its publication in the statute book, and after the present term of the officers hereinbefore named shall have expired.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXLIII.

## FEES AND SALARIES—SEDGWICK COUNTY.

AN ACT regulating the salaries of the county officers of Sedgwick county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the superintendent of public instruction of Sedgwick county shall receive the sum of \$1,500 per annum as full compensation for his services; and the county commissioners of said county shall receive the sum of \$1,000 each per annum as full compensation for their services, which compensation shall be paid as provided by statute for the payment of salaries of other county officers.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXLIV.

## CLERK HIRE, SEDGWICK COUNTY.

AN ACT providing for clerk hire in the office of the County Clerk of Sedgwick county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The county commissioners of Sedgwick county are hereby authorized and empowered, if they deem it necessary, to pay for clerk hire in the office of the county clerk of said county a sum not exceeding twelve hundred dollars in any one year, in addition to the amount now provided by law, the same to be paid quarterly from the county treasury of said

county, upon the order of the board of county commissioners of said county.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXLV.

### CLERK HIRE—SEDGWICK COUNTY.

AN ACT providing for clerk hire in the office of the County Treasurer of Sedgwick county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The county commissioners of Sedgwick county are hereby authorized and empowered, if they deem it necessary, to pay for clerk hire in the office of the treasurer of said county a sum not exceeding twelve hundred dollars in any one year, the same to be paid quarterly from the county treasury of said county, upon the order of the board of county commissioners of said county.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXLVI.

## FEES AND SALARIES—SHERMAN COUNTY.

AN ACT regulating the fees and salaries of the County Treasurer and County Clerk of Sherman county, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The county treasurer of Sherman county shall Treasurer. be allowed by the board of county commissioners as full compensation for his services the sum of one thousand dollars per annum. Said salary shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by the said county treasurer as fees under existing laws for the preceding quarter shall be first deducted from said quarterly installment.

SEC. 2. The county clerk of Sherman county shall be al- County clerk. lowed by the board of county commissioners the sum of nine hundred dollars per annum, which salary shall be in full compensation for all the services by law required to be performed in his office whatsoever; said salary to be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the said county clerk shall keep in a book to be provided for that purpose an account of all fees by him charged or received under any of the existing laws, showing the amount charged and the amount received, from whom and for what purpose, and the date thereof, and that the amount so charged and collected by the county clerk as fees during the preceding quarter shall be deducted from said quarterly installment: *Provided further*, That the last quarter's salary of the term shall not be paid until thirty days after the expiration of said term, and not until the county commissioners have found upon examination that all the work of the office has been completed up to the end of the term.

SEC. 3. The board of county commissioners shall in no Commissioners  
shall in no event. event audit or order to be paid any quarterly or other installments of salary of said officers as herein provided, until said treasurer and said clerk shall each make out and present to

the board of county commissioners a detailed statement of the amount of fees by him have received during the preceding quarter, together with the amount of fees charged which are due and unpaid; and in the event no fees have been received or charged during the preceding quarter, then said officers shall so report to the board of county commissioners. All of which reports shall be in writing and under oath.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXLVII.

### FEES AND SALARIES—WASHINGTON AND REPUBLIC.

AN ACT regulating the salaries of the County Clerk, County Treasurer, and Register of Deeds of Washington and Republic counties, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

Treasurer.

SECTION 1. The county treasurers of Washington and Republic counties shall be allowed by the board of county commissioners as full compensation for their services the sum of two thousand five hundred dollars per annum. Said sum shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected by said county treasurer as fees under existing laws for the preceding quarter shall first be deducted from said quarterly installment.

County clerk.

SEC. 2. The county clerks of Washington and Republic counties shall be allowed by the board of county commissioners as full compensation for their services the sum of two thousand dollars per annum. Said sum shall be paid out of the county treasury in quarterly installments, upon the order of the board of county commissioners: *Provided*, That the amount collected



by said county clerk as fees under existing laws during the preceding quarter shall be deducted from said quarterly installment.

SEC. 3. The registers of deeds of Washington and Republic counties shall receive, as full compensation for their services, such fees as are now provided by law: *Provided, however,* That he shall keep an accurate account of all fees charged by him, and if in any one quarter of the year he shall receive more than six hundred dollars he shall turn one-half of such excess over to the county treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the county clerk; and such money shall become a part of the general county fund. Register of deeds.

SEC. 4. Every officer above named whose duty it is to keep an account of fees as hereinbefore prescribed shall make a return thereof, verified by his affidavit, and file the same with the county clerk of said county at the end of each quarter; and any officer neglecting or refusing so to do shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid until such report has been made. Officers, duty of.  
Guilty of.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CXLVIII.

### FISH.

AN ACT to amend section 2, chapter 108 of the Session Laws of 1886, relating to fish.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section two of said chapter one hundred and eight is hereby amended so as to read as follows: It shall

be unlawful to catch, or attempt to catch, or to kill any fish in any of the inland waters of the state of Kansas by poisoning the water with lime or any deleterious substances whatever, or by making any obstruction to the natural transit of fish for the purpose of catching the same.

SEC. 2. It shall be unlawful to catch, or attempt to catch, or to kill any black bass, croppies, perch, or wall-eyed pike, by means of any drag-net, gill-net, drift-net, trammel-net, seine, fish-pot, set-net, wire-pond, or any device whatever, except by rod, line and hook.

SEC. 3. It shall be lawful to catch any other fish not mentioned in section two of this act, at any time, except during the months of May and June in each year.

SEC. 4. Original section two of chapter one hundred and eight, session laws of 1886, is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper April 17, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CXLIX.

### FISH—PROTECTION OF.

AN ACT to provide for the protection of fish and fish ponds.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Any person who shall willfully or maliciously cut, dig, break down or open any gate, bank, embankment or side of any pond, creek or spring, the property of another, used for the purpose of propagating or growing carp or other fish; or who shall use means to destroy the fish, young fry, or eggs, either by seining, spearing, or by catching with hook or line, or other instrument; or by placing destructive fish or reptiles within any such ponds, creek or spring; or who shall

willfully defoul the waters of the same, or commit a nuisance therein in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than two hundred dollars, and may be imprisoned in the county jail not exceeding sixty days, or both.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CL.

### FORT RILEY MILITARY RESERVATION.

AN ACT to cede jurisdiction to the United States over the territory of the Fort Riley Military Reservation.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That exclusive jurisdiction be and the same is hereby ceded to the United States over and within all the territory owned by the United States and included within the United States military reservation known as the Fort Riley military reservation, in said state, as declared May 5, 1855, by the president of the United States, and reduced by joint resolution of the senate and house of representatives of the United States, approved March 2, 1867, saving, however, to the said state the right to serve civil or criminal process within said reservation in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state, (but outside of said cession and reservation,) and saving further to said state the right to tax railroad, bridge, and other corporations, their property and franchises, and the property of citizens, not otherwise exempt, on said reservation.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 16, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLI.

### GARNISHMENT, PROCEEDINGS IN.

AN Act relating to proceedings in garnishment, and amendatory of sections 202, 215, 217, 218, 219 and 220 of chapter eighty of the General Statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

Creditor, may  
proceed.

SECTION 1. Any creditor shall be entitled to proceed by garnishment in the district court of the proper county against any person (excepting a municipal corporation) who shall be indebted to, or have any property, real or personal, in his possession or under his control belonging to such creditor's debtor, in the cases, upon the conditions, and in the manner hereinafter described.

SEC. 2. Either at the time of the issuing of the summons, or at any time thereafter, before final judgment, if [in] any action to recover damages founded upon contract, express or implied, or upon judgment or decree, or at any time after the issuing, in case of an execution against property, and before the time when it is returnable, the plaintiff or some person in his behalf shall file with the clerk an affidavit stating the amount of the plaintiff's claim against the defendant or defendants over and above all offsets, and stating that he verily believes that some person, naming him, is indebted to or has property, real or personal, in his possession or under his control belonging to the defendant (or either or any of the defendants) in the action or execution, naming him, and that such defendant has not property liable to execution sufficient to satisfy the

plaintiff's demand, and that the indebtedness or property mentioned in such affidavit is to the best of the knowledge and belief of the person making such affidavit not by law exempt from seizure or sale upon execution. Any number of garnishees may be embraced in the same affidavit and summons hereinafter provided for; but if a joint liability be claimed against any it shall be so stated in such affidavit, and the garnishee named as jointly liable shall be deemed jointly proceeded against, otherwise the several garnishees shall be deemed severally proceeded against: *Provided*, That the order of garnishment shall not be issued by the clerk until an undertaking on the part of the plaintiff has been executed by one or more sufficient sureties, approved by the clerk and filed in his office, in a sum not exceeding double the amount of the plaintiff's claim, to the effect that the plaintiff shall pay to the defendant all damages which he may sustain by reason of such garnishment if the order be wrongfully obtained; but no undertaking shall be required where the party or parties defendant are all non-residents of the state or a foreign corporation.

SEC. 3. Upon the filing of such affidavit a garnishee summons shall be issued by the clerk and served upon the defendant or his attorney of record, and each of the garnishees, in the manner provided for service of summons, and shall be returned with proof of service in five days. The garnishee summons may be served by the sheriff, or any other person not a party to the action, and shall be substantially in the following form:

— Court, — Country. — A. B., Plaintiff, vs. C. D., Defendant, E. F., Garnishee. — *The State of Kansas to said Garnishee:* You are hereby summoned, pursuant to the affidavit filed herein, as garnishee of the defendant, C. D., and required, on or before the date of return-day, to answer according to law whether you are indebted to, or have in your possession or under your control, any property, real or personal, belonging to such defendant, and file a copy of your answer with the clerk of this court; and in case of your failure so to do you will be liable to further proceedings according to law. Of which the said defendant will also take notice.

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Clerk of District Court, — County, Kansas.

SEC. 4. The plaintiff may in like manner subsequently proceed within the period limited against other garnishees, or against the same garnishees after they shall have once been discharged, upon a new affidavit, if he shall have reason to believe they have subsequently become liable; and he may

proceed against garnishees resident in other counties than that in which the action is pending; but if an issue for trial shall be joined between the plaintiff and such garnishee, the court may, on motion, change the place of trial of such issue to the county of the garnishee's residence.

SEC. 5. Within twenty days from the service of such garnishee summons the garnishee may, if the truth warrant, file with the clerk of the court in which the action is pending his affidavit, substantially in the following form:

—— COURT, —— COUNTRY.—A. B., Plaintiff, vs. C. D., Defendant, and E. F., Garnishee. —— COUNTRY, ——, ss.—E. F., being first duly sworn, says that on the —— day of ——, A. D. 18—, he was served with a garnishee summons in the above-entitled action; that he was then and is now in no manner and upon no account indebted or under liability to the defendant (naming him), and that he then had and now has in his possession or under his control no real estate and no personal property, effects, or credits, of any description, belonging to said defendant or in which he has any interest; and is in no manner liable as garnishee in this action. Subscribed and sworn to before me, this —— day of ——, A. D. 18—

Thereby the proceedings against such garnishee shall be deemed discontinued, and the plaintiff shall pay the garnishee two dollars for his costs, unless within twenty days thereafter the plaintiff serve notice on such garnishee that he elects to take issue on his answer as garnishee, and will maintain him to be liable as garnishee; in which case the issue shall stand for trial as a civil action, in which the affidavit on the part of the plaintiff shall be deemed the petition and the garnishee's affidavit the answer thereto.

Garnishee shall  
make affidavit  
and state, first.

SEC. 6. Unless the garnishee shall make the affidavit provided for in section five he shall, within twenty days from the service of the garnishee summons, file an affidavit in which he shall state—*First*: Whether he was at the time of the service of the garnishee summons or has since become indebted or under any liability to the defendant named in the notice in any manner or upon any account, specifying, if indebted or liable, the amount, the interest thereon, the manner in which evidenced, when payable, whether an absolute or contingent liability, and all the facts and circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness he may set forth all the facts and circumstances concerning the same, and submit the question to the court. *Second*: Whether he held at the time aforesaid

Second.

or now holds the title or possession of any real estate, or any interest in land of any description, or of any personal property, effects or credits, or any instruments or papers relating to any such belonging to the defendants, or in which he is in any wise interested; and if he shall admit any such, or be in doubt respecting the same, he shall set forth a description of such property, and all the facts and circumstances concerning the same, and the title, interest, or claim of the defendant in or to the same. *Third:* If he shall claim any set-off or defense to any officer, indebtedness or liability, or any lien or claim to such property, he shall set forth the facts and circumstances thereof fully. *Fourth:* He may state any claim of exemption from execution on the part of the defendant, or other objection known to him against the right of the plaintiff to apply upon his demand the indebtedness or property disclosed. *Fifth:* If he shall disclose any indebtedness or the possession of any property to which the defendant, and any other person as well, makes claim, he may set forth the names and residences of such other claimants, and so far as known, the nature of their claims.

Third.

Fourth.

Fifth.

SEC. 7. If any garnishee, having been duly summoned, shall fail to file his affidavit as required in the preceding sections, the court may render judgment against him for the amount of the judgment which the plaintiff shall recover against the defendant in the action for damages and costs, together with the costs of such garnishee. Such garnishee may also be proceeded against as for contempt.

If garnishee shall fail.

SEC. 8. The answer of the garnishee shall in all cases be conclusive of the truth of the facts therein stated, unless the plaintiff shall within twenty days serve upon the garnishee a notice in writing that he elects to take issue on his answer; in which case the issue shall stand for trial as a civil action, in which the affidavit on the part of the plaintiff shall be deemed the petition, and the garnishee's affidavit the answer thereto. The plaintiff may in all cases move the court, upon the answer of the garnishee, and of the defendant, if he shall also answer, for such judgment as he shall be entitled to thereon, but any such judgment shall be no bar beyond the facts stated in such answer.

Answer of garnishee.

SEC. 9. The answer of a corporation summoned as a garnishee may be made by any officer thereof; and of any other

Answer of a corporation may be.

garnishee, by any agent or attorney, in his behalf, who shall be acquainted with the facts.

Defendant may.

SEC. 10. The defendant may in all cases, by answer duly verified, to be served within twenty days from the service of the garnishee summons on him, defend the proceeding against any garnishee, upon the ground that the indebtedness of the garnishee, or any property held by him, is exempt from execution against such defendant, or for any other reason is not liable to garnishment; or upon any ground upon which a garnishee might defend the same; and may participate in the trial of any issue between the plaintiff and garnishee for the protection of his interests. And the garnishee may, at his option, defend the principal action for the defendant, if the latter does not, but shall be under no obligations so to do.

When not in aid  
of execution.

SEC. 11. The proceeding against a garnishee shall be deemed an action by the plaintiff against the garnishee and defendant, as parties defendant, and all the provisions for enforcing judgments shall be applicable thereto; but when the garnishment is not in aid of an execution, no trial shall be had of the garnishee action until the plaintiff shall have judgment in the principal action, and if the defendant have judgment, the garnishee action shall be dismissed with costs. The court shall render such judgment in all cases as shall be just to all the parties, and properly protect their respective interests, and may adjudge the recovery of any indebtedness, the conveyance, transfer, or delivery to the sheriff, or any officer appointed by the judgment, of any real estate or personal property disclosed or found to be liable to be applied to the plaintiff's demand, or by the judgment pass the title thereto; and may therein, or by its order when proper, direct the manner of making sale and of disposing of the proceeds thereof, or of any money or other thing paid over or delivered to the clerk or officer. The judgment against a garnishee shall acquit and discharge him from all demands by the defendant or his representatives for all money, goods, effects, or credits paid, delivered, or accounted for by the garnishee by force of such judgment.

Examination  
may be taken out  
of court by.

SEC. 12. The examination of the garnishee may be taken out of court, by deposition, at any time after the filing of the affidavit by him in answer to the garnishee summons before the determination of such garnishee's liability. If the gar-



nishee be a corporation, any principal officer thereof may be so examined. Such deposition may be taken before the probate judge, or before a notary public to be designated by the judge of the court in which the action is pending, on application by the plaintiff upon five days' previous notice to the defendant, stating the time and place of such application, or it may be taken without the state upon commission, in the manner provided for taking other depositions. The attendance of the garnishee to be examined may be compelled upon subpoena and the payment of witness fees if demanded; and such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy. Such examination shall not be compelled in any other county than that in which the party to be examined resides.

SEC. 13. When the answer of the garnishee shall disclose that any other person than the defendant claims the indebtedness or property in his hands, and the name and residence of such claimant, the court may, on motion, order that such claimant be interpleaded, as a defendant to the garnishee action; and that notice thereof, setting forth the facts, with a copy of such order, in such form as the court shall direct, be served upon him; and that after such service shall have been made, the garnishee may pay or deliver to the officer or the clerk such indebtedness or property, and have a receipt therefor, which shall be a complete discharge from all liability to any party for the amount so paid or property so delivered. Such notice shall be served in the manner required for service of a summons in a civil action, and may be made without the state, or by publication thereof, if the order shall so direct. Upon such service being made, such claimant shall be deemed a defendant to the garnishee action, and within twenty days shall answer, setting forth his claim or any defense which the garnishee might have made. In case of default, judgment may be rendered, which shall conclude any claim upon the part of such defendant.

Notices shall be served.

SEC. 14. From the time of the service of the summons upon the garnishee he shall stand liable to the plaintiff to the amount of the property, moneys, credits and effects in his possession or under his control, belonging to the defendant or in which he shall be interested, to the extent of his right or interest therein, and of all debts due or to become due to the

Garnishee shall stand liable to.

defendant, except such as may be by law exempt from execution. Any property, moneys, credits and effects held by a conveyance or title, void as to the creditors of the defendant, shall be embraced in such liability. In case such moneys, credits and effects in the possession or under the control of the garnishee shall exceed the amount of the plaintiff's claim, the garnishee shall stand liable to the plaintiff only for the amount of the plaintiff's claim as disclosed by the affidavit provided for in section two thousand seven hundred and fifty-three, together with such further amount as shall be equal to all costs and damages which the plaintiff may recover in the action and garnishee proceedings.

No judgment  
shall be.

SEC. 15. No judgment shall be rendered upon a liability of the garnishee arising either—*First*, by reason of his having drawn, accepted, made, indorsed or guaranteed any negotiable bill, draft, note, or other security. *Second*, by reason of any money or other thing received or collected by him as sheriff or other officer, by force of an execution or other legal process in favor of the defendant. *Third*, by reason of any money in his hands as a public officer, and for which he is accountable to the defendant merely as such officer. *Fourth*, by reason of any money or other thing owing from him to the defendant, unless before judgment against the defendant it shall become due absolutely and without depending on any future emergency. Judgment may be given for any money or other thing owing although it has not become payable, in which case the garnishee shall not be required to pay or deliver it before the time appointed by the contract.

SEC. 16. No action shall be commenced by the defendant or his assignee against a garnishee upon any claim or demand liable to garnishment, or to recover any property garnished, or execution be issued upon a judgment in favor of defendant against such garnishee subsequent to the service of the garnishee summons upon him, until the termination of the garnishee action; and if an action shall have been commenced or an execution issued, it shall be stayed by the court or a judge thereof, upon the garnishee's application; except that upon cause shown, the court or a judge may by order permit the commencement of such an action, or the issue of an execution, or the further prosecution of one stayed.

SEC. 17. The defendant may, at any time after the complaint is filed, and before judgment, file with the clerk of the court

an undertaking, executed by at least two sureties, resident freeholders of the state, to the effect that they will, on demand, pay to the plaintiff the amount of the judgment, with all costs that may be recovered against such defendant in the action, not exceeding a sum specified, which sum shall not be less than double the amount demanded by the complaint on file, or in such less sum as the court shall, upon application, direct. The sureties shall justify their responsibility by affidavit annexed stating a sum which each is worth, in property within this state, over and above all his debts and liabilities and property exempt from execution, the aggregate of which sums shall be double the amount specified in the undertaking. The defendant shall serve a copy of such undertaking, with a notice where and when the same was filed, on the plaintiff. Within three days after the receipt thereof the plaintiff shall give notice to the defendant that he excepts to the sufficiency of the sureties, or he shall be deemed to have waived all objections to them.

Sureties shall justify.

SEC. 18. When the plaintiff excepts, the sureties shall appear for justification before the judge of the district court or the probate judge of the county in which the action is brought, at a time and place to be mentioned in the notice given by the plaintiff, and may be examined on oath on the part of the plaintiff touching his sufficiency, in such manner as the judge in his discretion may think proper. The examination shall be reduced to writing and subscribed by the sureties, if required by the plaintiff. If the judge find the sureties sufficient he shall annex the examination to the undertaking, indorse his allowance thereon, and cause them to be filed with the clerk of the district court. Thereafter all the garnishees shall be discharged, and the garnishment proceedings shall be deemed discontinued, and any money or property paid or delivered to any officer shall be surrendered to the person entitled thereto, and the costs shall be taxable as disbursements of the plaintiff in the action if he recovers. The judge may in his discretion require the costs of the justification before him, including fees to the sureties as witnesses, to be forthwith paid by the party requiring justification.

Sureties shall appear before the court.

SEC. 19. In case of the trial of any issue between the plaintiff and any garnishee, costs shall be awarded to the plaintiff and against the garnishee, in addition to his liability, if the plaintiff recovered more than the garnishee admitted by

The costs shall include.

his answer; and if he do not, the garnishee shall recover costs of the plaintiff. The costs shall include an attorney's fee of twenty-five dollars, to be taxed in favor of the prevailing party. In all other cases under this chapter, not expressly provided for, the court may award costs in favor of or against any party, in its discretion. When there is no issue for trial, and any liability on the part of the garnishee is disclosed, the costs of the garnishment proceedings shall be taxed for the plaintiff, if he recovers, as disbursements in the principal action.

SEC. 20. Sections two hundred, two hundred and two, two hundred and six, two hundred and fifteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of chapter eighty of the laws of eighteen hundred and sixty-eight, and all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 21. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLII.

### GAS WORKS IN CITY OF PAOLA.

AN ACT authorizing the city of Paola, Miami county, Kansas, to construct, operate and maintain natural-gas works; to drill wells, purchase and lay pipes, and supply such city and the citizens thereof with natural gas for public and private use and consumption.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The city of Paola, Miami county, is hereby granted full power and authority to contract for and procure natural-gas works, to be constructed for the purpose of supplying the inhabitants of such city with natural gas for fuel and light and for manufacturing and other purposes; and

authority is hereby granted to such city to lease or procure land on which to drill wells for natural gas, and for the purpose of drilling wells for natural gas, purchasing and laying pipes and mains, and the right to lay its mains along public highways from said gas wells to said city, and the right to condemn land as hereinafter provided across and over which to lay its pipes and mains from said gas wells to and within said city, and the right to construct the necessary buildings, fixtures, reservoirs and machinery to supply such city and the inhabitants thereof with natural gas for public and private use and consumption.

SEC. 2. Whenever the city council of said city shall determine to condemn any land for the purpose of laying its gas pipes and mains across the same, it shall cause a petition to be presented in the name of such city to the judge of the district court of the county in which such city is situated, setting forth an accurate description of the land over which pipes and mains are sought to be laid, and setting forth the necessity of the appropriation of the land over which to lay its gas pipes and mains, and request the appointment of three commissioners to lay off and condemn such land as may be necessary for the purpose of laying its gas pipes and mains, and make appraisal and assessment of damages; said commissioners shall be freeholders and residents of the county in which said city is situated, but not residents of such city. Such appointment shall be made on application, and shall be in writing signed by such judge. All proceedings by such commissioners shall be governed by the provisions of article nine, chapter twenty-three of the general statutes, so far as the same may be applicable; but in no instance shall such commissioners condemn a strip of land more than ten feet wide over which to lay such gas pipes and mains; and upon the payment or deposit of the amount of the award of the commissioners with the county treasurer, for the use of the owner or owners of such lands so condemned, the city shall be vested with the right to perpetually use the land so condemned by such commissioners for the purpose for which the same was condemned.

SEC. 3. The council shall have power and authority and it shall be its duty to fix and regulate the gas rent or cost to be paid by consumers, and to ordain such rules and regulations, with appropriate penalties for the violation of the same, as

Council, duties  
of.

the council may deem proper for the regulation of natural-gas works and the protection of the consumers thereof.

SEC. 4. The council shall have power to appoint all such engineers and other officers to superintend and operate said natural-gas works, both during and after the construction of the same as may be necessary, and to do all acts and things for the erection, operation, alteration and repair of said natural-gas works as may from time to time in the judgment of the council be necessary.

Issue of bonds.

SEC. 5. That to defray the cost of drilling gas wells, constructing and maintaining gas works, laying mains and paying for land condemned for said mains and gas works, and to defray the cost of such natural-gas works, the council is authorized and empowered to issue the bonds of the city, the interest on the amount issued not to exceed one-half of one per centum of the taxable valuation thereof, as shown by the last preceding assessment. Such bonds to bear interest not to exceed six per cent. per annum, and payable, principal and interest, at such times and places as the council may direct. Such bonds shall be signed by the mayor of the city and countersigned by the clerk thereof, and have coupons or interest warrants attached.

Rate of interest.

Special election.

SEC. 6. That before any of the bonds provided for by this act shall be issued, the city council shall submit the question of such issue to the electors of the city at any general or special election to be called for that purpose by the council, of which election at least twenty days' notice shall be given by publication in at least one newspaper published in said city. The election shall be governed in all respects as other elections; and if a majority of the votes cast at any such election be in favor of the issue of the bonds as provided in the notice of such election, then the council may issue them as it may deem advisable to secure the construction of said natural-gas works; but in no case shall such bonds be sold for less than their face value.

Levy tax.

SEC. 7. The city council of said city shall each year cause to be levied and collected a sufficient tax to pay the interest accruing on the bonds and provide a sinking fund for the redemption of said bonds when the same become due. And when said gas works are owned by the city, all the rents, profits, income and revenue received from the sale of gas for public and private use and consumption shall be pledged and

applied to the payment of such bonds and interest, except so much of such revenue as may be necessary to pay the reasonable running expenses of said works and make necessary repairs; and all such sums arising from the collection of any tax as herein provided, and all surplus arising from the sale of gas over running expenses and repairs, shall constitute a fund for the payment of interest accruing on the bonds and for the redemption of the bonds when they become due, and shall be used for no other purpose.

SEC. 8. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLIII.

### GRAND JURIES, RELATING TO.

AN ACT to amend sections one and four of chapter one hundred and sixty-seven of the Session Laws of 1887, being an act relating to grand juries; and amendatory of sections seventy-three, seventy-four and ninety-nine of chapter eighty-two of the General Statutes of 1868, and repealing said original sections seventy-three, seventy-four and ninety-nine, and sections twenty-four and twenty of chapter fifty-four of the General Statutes of 1868; and to repeal said section one and section four of chapter one hundred and sixty-seven of the Session Laws of 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter one hundred and sixty-seven of the session laws of 1887 be amended to read as follows: Section 1. A grand jury shall hereafter only be ordered drawn and summoned to attend the sittings of the district court in any county in the state as hereinafter provided. In each organized county in this state a grand jury shall be ordered drawn, and summoned to attend any sitting of the district court of any county when a petition signed by

one hundred of the tax-payers of the county praying for said grand jury shall be presented to the judge of the district court of said county at least twelve days before the commencement of the term of court at which such grand jury may be desired by said petitioners; and upon such petition the judge shall order a grand jury drawn and summoned to attend the sitting of the term of court for which such grand jury is desired by the said petitioners. Grand jurors provided for in this section shall be drawn and summoned in the same manner as jurors for the district court: *Provided*, That if upon inquiry into the matter the judge of the district court of any county shall become satisfied that there is no necessity for the convening of the grand jury therein at said term, he shall certify that fact to the county clerk of said county at least one month before the commencement of said term, and no grand jury shall be summoned therefor.

SEC. 2. Sections one and four of chapter one hundred and sixty-seven of the session laws of 1887 be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLIV.

### HASKELL COUNTY—BOUNTY FOR BREAKING SOD.

An Act authorizing a bounty for breaking sod in Haskell county, Kansas, and to issue the bonds of said county to provide funds therefor.

*Be it enacted by the Legislature of the State of Kansas:*

May issue bonds  
not to exceed.

SECTION 1. That the board of county commissioners of Haskell county be and they are hereby authorized to issue not to exceed ten thousand dollars in bonds of said county, for



the purpose of providing a fund to be used as a bounty to persons breaking sod, to the amount of one dollar for each acre of sod broken within said county prior to October 1st, 1889.

SEC. 2. The bonds herein provided for shall be of the denomination of one thousand dollars (\$1,000) each, due twenty years from the first day of January, 1889, and shall bear interest at the rate of six per cent. per annum, payable semi-annually, with semi-annual interest coupons attached. Said bonds shall be signed by the chairman of the board of county commissioners and attested by the county clerk, and when so signed and attested may be sold and disposed of, and the proceeds applied as provided for in section one of this act: *Provided*, That when sold it shall be for not less than ninety-five cents on the dollar.

Rate of interest.

Proviso.

SEC. 3. Immediately upon the taking effect of this act it shall be the duty of the board of county commissioners of Haskell county to submit to the qualified electors of said county a proposition to vote the amount of bonds authorized in section one of this act, for the purpose therein specified; and in such submission it shall be their duty to fix a time and place for holding said election, and shall cause two weeks' notice thereof to be given by publication in the official paper of said county; and said election shall thereafter, at the time and place so provided for, be held in the manner provided for holding general elections. The form of ballots used at said election shall be "For the bonds," and "Against the bonds."

Commissioners,  
duties of.

Notice.

SEC. 4. If upon a canvass of the votes cast at said election it shall be found and determined by the board of county commissioners that a majority of all the votes cast at such election shall be in favor of the bonds, it shall be the duty of said board of county commissioners to issue the bonds of said county provided for in section one of this act.

SEC. 5. No person shall be entitled to receive any bounty as set forth in section one of this act who shall not at the time be a *bona fide* resident and freeholder of the county; and persons applying for said bounty shall be required to establish the fact by affidavit in writing by two disinterested householders, and attested by the township trustee, that the number of acres claimed have been broken in a good, workmanlike manner; and no person shall be entitled to receive

No person shall  
be entitled to.

bounty for more than forty acres under the provisions of this act.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLV.

### HASKELL INSTITUTE, PURCHASE OF.

AN ACT relating to the purchase by the United States of America of a site for the Haskell Institute and Industrial School, and giving the consent of the State of Kansas to such purchase, and ratifying the purchase of the same.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The consent of the state of Kansas is hereby given and granted to the United States of America to purchase for the Haskell Institute and Indian Industrial School the following-described real estate, or any portion thereof, to wit: The northwest quarter of the northeast quarter of section seven (7), and the northwest quarter of section eighteen (18), in township thirteen (13), in range twenty (20), east of the sixth principal meridian—all lying and being in the county of Douglas, state of Kansas; and hereby ratify and confirm the action of the United States of America in the purchase of said premises for said purpose.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLVI.

### HORTON—EXCLUDE CERTAIN BLOCKS FROM CORPORATE LIMITS OF.

AN ACT to exclude certain blocks and parts of blocks from the corporate limits of the city of Horton, Brown county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all of the land as shown by the original recorded plat in the office of the register of deeds of Brown county, Kansas, of Horton Heights, addition to the city of Horton, Kansas, and described as follows, to wit, all of blocks one (1), two (2), three (3), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), and the east half of block ten (10), are hereby placed outside of the corporate limits of said city of Horton, Kansas.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889. WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CLVII.

### IDIOTIC AND IMBECILE YOUTH ASYLUM—WATER SUPPLY, ETC.

AN ACT to provide for a system of water supply, and for two boilers and plumbing connected therewith, and laundry building, for the Asylum for Idiotic and Imbecile Youth, at Winfield, for the fiscal year ending June 30, 1890.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the

treasury not otherwise appropriated, to provide for a system of water supply, and for two boilers and plumbing connected therewith, and laundry building, for the Asylum for Idiotic and Imbecile Youth, at Winfield, for the fiscal year ending June 30, 1890: For a system of water supply, the sum of five thousand dollars; for laundry building, five hundred dollars; for two steel boilers and plumbing connected therewith, the sum of two thousand dollars.

SEC. 2. The board of trustees of state charitable institutions are hereby authorized to employ a competent architect to prepare plans and specifications and superintend the construction provided for in this act, under such directions as the board may give.

SEC. 3. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the purpose and amounts specified in section one of this act, upon proper accounts, verified by affidavit, and duly approved by the board of trustees having charge of the management of said Asylum for Idiotic and Imbecile Youth.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLVIII.

### INDUSTRIAL SCHOOL FOR GIRLS—ERECTION AND EQUIPMENT OF.

AN ACT to provide for the erection and equipment of building for the State Industrial School for Girls, at Beloit, Kansas, making an appropriation therefor, and providing for the government of the institution.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. For the purpose of erecting and equipping an Industrial School for Girls, at Beloit, Kansas, there is hereby

appropriated out of any money in the state treasury not otherwise appropriated, the following sums: For the fiscal year ending June 30, 1890, twelve thousand five hundred dollars; for the fiscal year ending June 30, 1891, twelve thousand five hundred dollars. Such sums so appropriated are for the completion of such buildings ready for occupancy and use:

*Provided*, That the city of Beloit shall secure a suitable tract of land, without cost to the state, not less than forty acres, within three miles of said city, as a site for said school, such site to be selected and approved by the state board of charitable institutions, and a title in fee simple thereto to be made to the state of Kansas. Proviso.  
Site to be approved by.

SEC. 2. The said board, before letting any contracts for buildings, shall advertise for proposals in at least two newspapers of general circulation in the state, for a period of not less than thirty days; and shall let contracts, etc., at a time of not more than twelve months after the expiration of the said thirty days, and they shall require from the successful contractor a good and sufficient bond, payable to the state of Kansas, for the protection of the interests of the state. The said board shall make no contracts nor incur any indebtedness beyond the sum herein appropriated. Shall advertise.

SEC. 3. The said board is empowered to employ a suitable person to draw plans and superintend the erection of the buildings, at such compensation as may be fixed by the board, not exceeding twelve hundred dollars, said amount so fixed by the board to include all charges for plans of buildings, complete and necessary as designated by said board, and for services for superintending the erection of all buildings, and work done on said buildings. One copy of all plans for buildings shall be filed by said board with the secretary of state, together with copies of all bids, contracts, and bonds. Board is empowered to.

SEC. 4. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the payment of vouchers presented to him, said vouchers to be accompanied with itemized statements, verified by affidavit, by the party furnishing the material or doing the work, and to be approved by the president and attested by the secretary of said board; all vouchers shall be made in duplicate, [one] copy to be filed with the auditor of state, and one copy retained by said board. Auditor of state.

SEC. 5. The said board shall keep a complete record of all Keep a record of.

its proceedings and an account of all transactions; said record shall be open for inspection of state officers at all times.

SEC. 6. No member of the board shall be interested directly or indirectly in contract, purchase or sale of any article whatever for or on account of said Industrial School for Girls, land or building, under a penalty on conviction of paying a fine of ten thousand dollars and imprisonment not to exceed five years in the state penitentiary.

Report to.

SEC. 7. The said board shall on or before the fifteenth day of September, eighteen hundred and ninety-one, semi-annually thereafter, make to the governor a full, complete, and detailed report of all their proceedings and transactions from the time of its last report.

Board of trustees  
of charitable in-  
stitutions shall  
have.

SEC. 8. The board of trustees of the charitable institutions of the state of Kansas shall have the management and control of said Industrial School for Girls, subject to the same provisions of law which govern its connection with the charitable institutions of the state, and may remove to the Industrial School for Girls any girl who may be detained in any of the charitable institutions of the state who in the judgment of the board is of like character, conduct and age as those who by the provisions of this act are admissible to the said Industrial School for Girls.

Officers of.

SEC. 9. The officers of the State Industrial School for Girls shall be a superintendent, whose salary shall not exceed eight hundred dollars per annum; a matron, whose salary shall not exceed five hundred dollars per annum, and such officers and teachers as may be found necessary for the proper management of said school: *Provided*, That the superintendent, matron and attendants of this institution shall be women.

Proviso.

Age of girls.

SEC. 10. Whenever any girl under the age of sixteen years shall be convicted of any offense known to the laws of the state and punishable by imprisonment, the court of justice, as the case may be, before whom such conviction shall be had, may at his discretion sentence such girls to the State Industrial School for Girls, or to such punishment as now provided by law for the same offense; if the sentence shall be to the Industrial School for Girls, then it shall be in the alternative to the State Industrial School for Girls, or to such punishment as would have been awarded if this act had not been passed.

Courts of.

SEC. 11. Courts of record and probate courts of the state shall have power to commit to the State Industrial School for

Girls—first, any girl under sixteen years of age who may be liable to punishment by imprisonment under any existing law of the state; second, any girl under sixteen years of age, with the consent of her parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which on conviction would be confinement in jail or prison; third, any girl under sixteen years of age who is incorrigible and habitually disregards the commands of her father, mother, or guardian, and who leads a vagrant life, or resorts to immoral places or practices, and neglects or refuses to perform labor suitable to her years and condition, and to attend school: *Provided*, That before said court shall commit such girl he shall cause to be filed a complaint setting forth the charges complained of in writing; and before he shall investigate such charges he shall give at least five days' notice to all persons interested in the filing of said complaint and the time and place of hearing of the same, and if on final hearing of said complaint he is satisfied that said complaint is true and that it comes under the provisions of this act, he may commit.

SEC. 12. If any girl under the age of sixteen years shall be arraigned for trial in any court in this state on any charges of violation of any laws of the state, which would upon conviction subject her to the liability of imprisonment, the court may, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution, and commit said girl to said Industrial School. All girls under the age of sixteen years who may be accused of any offense punishable under the laws of the state shall be admitted unless one of the parents, the guardian or other legal representatives demand a public trial, in which case all proceedings shall be in the usual form.

SEC. 13. Every girl committed to the Industrial School for Girls shall remain until she is twenty-one years of age, unless sooner discharged, as hereinafter provided, or bound as an apprentice; but no girl shall be retained after the superintendent shall have reported her fully reformed; and when any girl shall be discharged therefrom as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

SEC. 14. If any person shall entice or attempt to entice

If any person  
shall entice.

Guilty of.

The board of  
trustees shall  
have full power.

Dismissed on  
probation.

Visiting agents.

away from said school any girl legally committed to the same, or shall harbor or conceal, or aid in harboring or concealing any girl who shall have escaped from such school, such persons shall upon conviction thereof be deemed guilty of a misdemeanor, and be punished by imprisonment in the county jail for not exceeding sixty days, or a fine of not less than twenty-five nor more than one hundred dollars. Any sheriff, policeman or constable shall have power, and it is hereby made his duty, to arrest any girl, when in his power to do so, who shall have escaped from said school, and return her thereto.

SEC. 15. The board of trustees shall have full power to place any girl committed as herein described, during her minority, at such employment and cause her to be instructed in such branches of useful knowledge as may be suitable to her years and capacity, as they may see fit; and they may, with the consent of such girl, bind her out as an apprentice during her minority or for a shorter period, to learn such trade and employment as in their judgment will tend to her future benefit; and the president of said board shall for such purpose have power to execute and deliver on behalf of said board indentures of apprenticeship under the laws of the state, to be filed and kept among the records of the Industrial School for Girls, and it shall not be necessary to record or file them elsewhere. In case any girl so apprenticed shall prove untrustworthy and unreformed, the trustees may at their discretion permit such girl to be returned to the Industrial School for Girls, to be held in the same manner as before said apprenticeship, and may thereupon order the indenture for such girl to be canceled; and if in the opinion of the trustees any girl apprenticed out by them shall have an unsuitable home, or if the person to whom such girl is indentured shall become unfit or incapable to properly raise or take care of her, the trustees may at their discretion return such girl to the school.

SEC. 16. Whenever a girl is dismissed from the school to her parents, or to otherwise care for herself, (except when indentured as provided in this act,) she shall be dismissed on probation merely, and the board of trustees shall have power to send for and return her to the school when in the opinion of the majority of the members of said board the best interests of the girl will be promoted by such return.

SEC. 17. The superintendents of public instruction in the



several counties of the state are hereby designated as visiting agents, to have local supervision over indentured pupils of the Industrial School for Girls; it shall be the duty of such visiting agents to visit as often as twice a year all the pupils of the industrial school for girls who may have been indentured to persons residing in his county. He shall inquire into the condition of such pupils, and make such investigation in relation thereto as the board of trustees may prescribe.

SEC. 18. When any visiting agent is of the opinion that an indentured pupil is not properly provided for, and cannot be held to further advantage, he shall report the fact to the president of the board of trustees; and no pupil shall be indentured to any person until notice of application therefor has been given said agent, and his report in writing, made after investigation into the propriety thereof, is filed with the institution.

SEC. 19. Said agent shall seek out suitable persons who are willing to receive pupils from the Industrial School for Girls under articles of indenture, and give notice thereof to the president of the board of trustees, which notice shall contain the agent's recommendation of the applicant as a proper person to receive and have care of any such pupil. Duty of.

SEC. 20. No girl who comes within the provisions of the third clause of section eleven of this act shall be received into the Industrial School for Girls until application for her admission is first made to the superintendent of the institution, who shall upon receipt of such application notify the person making the same that the superintendent is ready to receive said girl, upon proper compliance with the requirements of the law and such rules governing the admission of the classes of girls mentioned as may be prescribed by the board of trustees. Admission.

SEC. 21. This act shall be in force and take effect from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CLIX.

## INSURANCE—AMENDING CERTAIN SECTIONS.

AN Act relating to insurance, and amendatory of section 24 of chapter 182 of the laws of 1885, being an act entitled "An act to provide for the organization and control of mutual fire insurance companies."

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section 24 of the laws of 1885 be and is hereby amended so as to read as follows: Section 24. A summary of every such sworn statement shall be published twice during the months of January or February, in the official paper of the county in which the principal office is located, whenever like publication is compelled to be made by companies organized outside of the state of Kansas and licensed to do business in Kansas. Whenever it shall appear to the superintendent of insurance, from the report or otherwise, that the solvency of any mutual company organized under the laws of Kansas is impaired, or that the laws of the state are being violated by such a company, he shall immediately make an examination into the affairs of the company, and for that purpose shall have access to all books and papers of the company, and shall have power to administer oaths to and examine the various officers thereof as to all matters pertaining to the business of such company, and also such other witnesses as may be material or important. If the solvency of such company has been impaired or the laws of the state have been violated by the company, the superintendent of insurance shall immediately suspend the certificate of authority until the laws of the state have been fully complied with or the solvency of the company restored; and he also may in such a case revoke the certificate of authority and cause the company, upon proper proceedings instituted against it, to be enjoined from further insuring of property. The expense of such examination shall be borne by the company, but shall not exceed the traveling and hotel expenses of said superintendent or his authorized deputy: *Provided, however,* That the superintendent of insurance shall have no power or authority to refuse an insurance company a certificate of authority to do business in the state, if such com-

pany is solvent and has fully complied with the laws of the state: *And provided further*, That such superintendent of insurance shall have no authority to revoke or suspend the certificate of authority of any association or corporation transacting insurance business, if such association or corporation is solvent and complies with all the laws of the state: *And also, it is further provided*, That in all actions brought against the superintendent of insurance to compel him by mandamus or otherwise to issue certificates of authority to any association or corporation desiring to transact insurance business in this state, and in all cases brought against the superintendent of insurance to restrain or enjoin him from revoking or suspending the certificate of authority of any association or corporation transacting insurance business in this state, such action or actions must be commenced and maintained in the county where the office of the superintendent of insurance is located and carried on. The insurance commissioner [superintendent] shall not be liable for costs.

SEC. 2. Section 24 of chapter 132 of the session laws of 1885 is hereby repealed.

SEC. 3. This act shall be in force and take effect from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 12, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLX.

### INSURANCE—MUTUAL FIRE INSURANCE COMPANIES TO PROVIDE GUARANTEE FUND.

AN ACT supplemental to chapter one hundred and thirty of the Session Laws of 1885, approved March 6, 1885, entitled "An act to authorize mutual fire insurance companies to provide for a guarantee fund to increase the security of its policyholders."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That any mutual fire insurance companies organized under the laws of the state of Kansas, authorized to

do business under the act to which this is supplemental, and having a guarantee fund of not less than fifty thousand dollars, may issue policies of insurance or indemnity on any kind of insurable property; but no such company shall issue a policy or policies on any one risk, or hazard, to an amount exceeding five per centum of its guarantee fund.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 18, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 21, 1889.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXI.

### INSURANCE—PREVENT NON-RESIDENT AGENTS WRITING FIRE POLICIES.

AN ACT to prevent the writing of fire insurance policies by non-resident agents of authorized fire insurance companies, and to prohibit the Superintendent of Insurance from issuing a license to non-resident agents to write and issue policies of fire insurance on property in the State of Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The superintendent of insurance is prohibited from issuing a license or authority to write policies of fire insurance, or to solicit and obtain and transact fire insurance business, to any person, agent, firm or corporation, unless such person, agent, firm or corporation is a legal resident of the state of Kansas at the time such authority is issued. And whenever any person, agent, firm or corporation so authorized to issue policies of fire insurance and solicit and transact fire insurance business shall remove from the state of Kansas, the authority issued to such person, agent, firm or corporation shall be revoked, and the same shall be null and void.

SEC. 2. Any fire insurance company authorized to do busi-

ness by the superintendent of insurance is hereby prohibited from authorizing or allowing any person, agent, firm or corporation who is a non-resident of the state of Kansas from issuing or causing to be issued any policy or policies of insurance on property located in the state of Kansas.

SEC. 3. That whenever the superintendent of insurance shall have or receive notice or information that any fire insurance company authorized to do business in the state of Kansas has authorized or permitted any person, agent, firm, or corporation, non-resident of the state of Kansas, to procure or issue policies of insurance on property in the state of Kansas, the superintendent shall immediately investigate or cause to be investigated the business done by any such fire insurance company so authorized to do business in the state of Kansas, whether it has permitted or allowed its fire insurance policy or policies to be obtained and issued on property located in the state of Kansas by any agent, person, firm, or corporation, non-resident of the state of Kansas; and if any insurance company has violated any of the above provisions, such fire insurance company shall have its license or authority to do business in the state of Kansas revoked by the superintendent of insurance, and such fire insurance company shall be prohibited from doing any insurance business, or receiving authority from the superintendent of insurance to do any insurance business in the state of Kansas, for one year from the date of the revocation of such authority; and the superintendent of insurance shall cause a notice thereof to be published in any paper of general circulation published in the city of Topeka, and after the publication of such notice it shall be unlawful for any person, agent, firm or corporation of such insurance company to procure any new applications for insurance, or to issue any new policies.

SEC. 4. This act shall be in full force and effect on and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CLXII.

INSURANCE—ORGANIZATION AND CONTROL OF MUTUAL  
FIRE COMPANIES.

AN ACT to amend chapter one hundred and thirty-two of the Session Laws of 1885, being "An act to provide for the organization and control of mutual fire insurance companies, and to repeal chapter one hundred and eleven, laws of eighteen hundred and seventy-five."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The provisions of the act to which this is amendatory shall not apply to any association hereafter organized under the supervision or by authority of any legally incorporated grange of the order of Patrons of Husbandry in this state, formed for the mutual benefit of the members of said order exclusively, nor to the Scandinavian Mutual Aid Association of Galesburg, Ills., nor to the Swedish American Insurance Company of Kansas.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXIII.

INSURANCE COMPANIES—REPEALING CERTAIN LAWS RE-  
GARDING PREMIUM NOTES.

AN ACT to repeal all laws making premium notes taken by any insurance company a lien upon the property insured.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section fourteen of chapter 132 of the session laws of 1885, making the premium notes taken by certain in-

insurance companies a lien upon the property insured, together with costs and interest, and also a lien upon the land thereunto belonging, and all other acts and parts of acts making premium notes of any insurance company a lien upon any property in this state, are hereby repealed; but this act shall not be held to affect or defeat the lien of any judgment which may be recovered on any such note or notes.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CLXIV.

### INTEREST—REGULATING THE RATE OF.

AN ACT regulating the rate of interest upon money, prohibiting usury, and providing penalties therefor; and repealing section 1 of chapter 95 of the Session Laws of 1871, and sections 1 and 2 of chapter 184 of the Session Laws of 1872, and sections 5 and 6 of chapter 51 of the General Statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Creditors shall be allowed to receive interest at the rate of six per cent. per annum, when no other rate of interest is agreed upon, for any money after it becomes due; for money lent or money due on settlement of account, from the day of liquidating the same and ascertaining the balance; for money received for the use of another, and retained without the owner's knowledge of the receipt; for money due and withheld by an unreasonable and vexatious delay of payment or settlement of accounts; for all other money due and to become due, for the forbearance of payment whereof an express promise to pay interest has been made; and for money due from corporations and individuals to their day or monthly employés, from and after the end of each month, unless the same shall be paid within fifteen days thereafter.

Creditors shall  
receive.

Interest not to exceed.

SEC. 2. The parties to any bond, bill, promissory note, or other instrument of writing for the payment or forbearance of money, may stipulate therein for interest receivable upon the amount of such bond, bill, note, or other instrument of writing, at a rate not to exceed ten per cent. per annum: *Provided*, That any person so contracting for a greater rate of interest than ten per cent. per annum shall forfeit all interest so contracted for in excess of such ten per cent.; and in addition thereto shall forfeit a sum of money, to be deducted from the amount due for principal and lawful interest, equal to the amount of interest contracted for in excess of ten per cent. per annum.

Proviso.

Usurious interest.

SEC. 3. All payments of money or property made by way of usurious interest or of inducement to contract for more than ten per cent. per annum, whether made in advance or not, shall be deemed and taken to be payments made on account of the principal and ten per cent. interest per annum, and the courts shall render judgment for no greater sum than the balance found due after deducting the payments of money or property made as aforesaid: *Provided*, That no *bona fide* indorsee of negotiable paper purchased before due shall be affected by any usury exacted by any former holder of such paper, unless he shall have actual notice of the usury previous to his purchase. But double the amount of such excess, incorporated into negotiable paper, may, in such cases, after payment, be recovered back by action against the party originally exacting the usury, in any court of competent jurisdiction: *Provided further*, That such action shall be brought within ninety days from the maturity of such paper.

Proviso.

Judgments to bear interest.

SEC. 4. All judgments of courts of record and justices of the peace shall bear interest from the day on which they are rendered, at the rate of six per cent. per annum, except as herein otherwise provided.

SEC. 5. When a rate of interest is specified in any contract that rate shall continue until full payment is made, and any judgment rendered on any such contract shall bear the same rate of interest mentioned in the contract, which rate shall be specified in the judgment; but in no case shall such rate exceed ten per cent. per annum, and any bond, note, bill, or other contract for the payment of money, which in effect provides that any interest or any higher rate of interest shall



accrue as a penalty for any default, shall be void as to any such provisions.

SEC. 6. Chapter 95 of the laws of 1871, and chapter 134 of the laws of 1872, and all acts in conflict herewith, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CLXV.

### IRRIGATING DITCH AND CANAL COMPANIES—RIGHT TO TAKE WATER.

AN ACT to enable irrigating ditch and canal companies to condemn the right to take water for irrigating purposes from any streams in the State of Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. Any and all irrigating ditch and canal companies which have been heretofore organized or incorporated, or which may hereafter become organized and incorporated, for the purpose of procuring or furnishing water for the purposes of irrigation, which shall desire to condemn the right to take such water from any stream in the state of Kansas, shall have the right to procure such condemnation for such purpose in the following manner.

SEC. 2. On the presentation to the judge of the district court of the county in which is situated the place where any such company takes or desires to take any water for the purposes mentioned, of a petition signed by such company, or by its authority, stating approximately the number of miles of ditch or canal built or to be built by them, its approximate depth and width, and the amount of water which it takes or which it desires to take, describing as near as may be the stream and place therein at which the canal or ditch proposes

to take water from such stream, and asking the appointment of commissioners to condemn such right, the said judge shall appoint three disinterested freeholders of such county to make such condemnation.

SEC. 3. And the persons so appointed as commissioners shall, upon their qualification, cause to be published in some newspaper of general circulation in the county where such water is or is to be taken from a stream, for a period of three weeks, a notice stating the time and place where such commissioners will meet in such county to hear all and any claims for damages for the condemnation of the right to take water from such stream at such point.

SEC. 4. At the time and place specified in such notice, such commissioners shall meet and hear all claims for damages presented to them by any person or persons, in writing, and shall allow and award such damages as to the commissioners shall seem just, reasonable and fair, as compensation to the persons presenting such written claims as may be in the opinion or judgment of such commissioners injured or damaged by the taking of such water.

Commissioners  
shall report to.

SEC. 5. That the commissioners, after having heard all claims for damages, shall make a report to the clerk of the district court of such county, stating the amount of damages awarded to each party, or in case of a refusal to allow any damages to any party presenting a written claim, the fact that damages were refused, and shall report the number of inches of water which they condemned the right to take.

SEC. 6. Such report shall be filed within twenty days from the time appointed in such printed notice for the hearing of said claims, unless the judge of the district court shall, for good cause shown, extend the time for making such report.

Aggrieved at.

SEC. 7. That any and all persons, including the petitioners, who shall feel aggrieved at the decision of such commissioners upon any question of damages, shall have the right to appeal from such decision to the district court of said county upon executing and filing with the clerk of said district court an appeal bond, sufficient in amount and with sufficient surety to be approved by said clerk, providing that such appeal be prosecuted without any unnecessary delay, and that the party appealing shall pay all costs which may be awarded against him upon such appeal.

Bond.

SEC. 8. That upon such an appeal being taken the same shall

be tried by the district court so far as the question of damage is concerned only, and as to such question it shall be tried the same as though no decision had been made by the commissioners thereon.

Appeal being taken.

SEC. 9. That the party making application shall, within sixty days from the filing of such report, file with the county treasurer of the county a certified copy of such report, and shall pay the amount of damages awarded by the commissioners in said report, except in cases where an appeal has been taken.

Party making application shall.

SEC. 10. In all cases where the amount of damages awarded has been paid to the treasurer as aforesaid, the right of the company or incorporation to take the amount of water condemned for such purposes by its ditch or canal shall become absolute, and all persons shall be forever barred from claiming damages or any right to interfere with the taking of such water, save and except only such as may have appealed; and such persons shall only have the right to contest the amount of damages; and upon the payment of the same when established by the judge of the district court, or upon the giving security, to be approved by the clerk of the district court, in any case of appeal, to pay such damages as may be finally awarded, the right of such company or corporation shall become absolute as to all parties appealing.

SEC. 11. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXVI.

JUSTICE OF THE PEACE—ADDITIONAL, FOR KANSAS CITY  
AND WICHITA.

AN ACT to provide for the office of an additional justice of the peace in and for the township of Kansas City, in Wyandotte county, and in the city of Wichita, Sedgwick county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the number of justices of the peace in and for the township of Kansas City, in Wyandotte county, Kansas, be increased to three; and in the city of Wichita, Sedgwick county, the number of justices of the peace shall be increased to three.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXVII.

## KEARNY COUNTY.

AN ACT to correct the spelling of the word "Kearney."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the spelling of the name of the county of Kearney be corrected so as to conform to the spelling of the name of Gen. Phil. Kearny, of New Jersey, in whose honor the county was so named, and be hereafter spelled Kearny.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXVIII.

### LIENS FOR LABOR AND MATERIAL—REPEALING CERTAIN SECTIONS.

AN Act to provide for and regulate the enforcement of liens for labor and material; and repealing sections one, two, three and four of chapter one hundred and forty-one of the laws of 1872, and sections five, six, seven and eight of chapter ninety-seven of the laws of 1871.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. Any person who shall, under contract with the owner of any tract or piece of land, or with the trustee, agent, husband or wife of such owner, furnish material for the erection, alteration or repair of any building, improvement, or structure thereon; or who shall furnish or perform labor in putting up of any fixtures or machinery in, or attachment to, any such building, structure, or improvement; or who shall plant any trees, vines, plants or hedge in or upon said land; or who shall build, alter, or repair, or furnish labor or material for building, altering or repairing any fence or foot-walk in or upon said land, or any sidewalk in any street abutting said land, shall have a lien upon the whole of said piece or tract of land, the building and appurtenances, in the manner herein provided, for the amount due to him for such labor, material, fixtures, or machinery. Such liens shall be preferred to all other liens or incumbrances which may attach to or upon such land, buildings, or improvements, or either of them, subsequent to the commencement of such building, the furnishing or putting up of such fixtures or machinery, the planting of such trees, vines, plants, or hedges, the building of such fence, footwalks, or sidewalks, or the making of any such repairs or improvements.

SEC. 2. Any person claiming a lien as aforesaid shall file

Any person  
claiming a lien  
shall file.

Proviso.

Shall be filed  
within.

Clerk, duty of.

Sub-contract.

in the office of the clerk of the district court of the county in which the land is situated a statement setting forth the amount claimed and the items thereof as nearly as practicable, the name of the owner, the name of the contractor, the name of the claimant, and a description of the property subject to the lien, verified by affidavit: *Provided*, That if any promissory note, bearing a lawful rate of interest, shall have been taken for any such labor or material, it shall not be necessary to file an itemized statement of labor or material furnished, but in lieu thereof it shall be sufficient to file a copy of such note, with a sworn statement that said note, or any part thereof, was given for such labor or material used in the construction of such building or improvement; and if the whole of such note shall have been given for such labor or material, the lien shall be for the whole of the principal and interest of said note; but if a part of said note only shall have been given for such labor or material, then the lien shall be for a corresponding amount only, with interest at the rate specified in said note. Such statement shall be filed within four months after the date upon which material was last furnished or labor last performed under contract as aforesaid; and if the claim be for the planting of any trees, vines, plants, or hedge, such statement shall be filed within four months from such planting. Immediately upon the receipt of such statement the clerk of the district court shall enter a record of the same in a book kept for that purpose, to be called the mechanics' lien docket, which docket shall be ruled off into separate columns, with headings as follows: "When filed," "Name of owner," "Name of claimant," "Amount claimed," "Description of property," and "Remarks;" and the clerk shall make the proper entry in each column.

SEC. 3. Any person who shall furnish any such material or perform such labor under a sub-contract with the contractor, or as an artisan or day laborer in the employ of such contractor, may obtain a lien upon such land from the same time, in the same manner, and to the same extent as the original contractor, for the amount due him for such material and labor; and any artisan or day laborer in the employ of such sub-contractor may obtain a lien upon such land from the same time, in the same manner, and to the same extent as the sub-contractor, for the amount due him for such material and labor, by filing with the clerk of the district court of the

county in which the land is situated within sixty days after the date upon which material was last furnished or labor last performed under such sub-contract a statement, verified by affidavit, setting forth the amount due from the contractor to the claimant, and the items thereof as nearly as practicable, the name of the owner, the name of the contractor, the name of the claimant, and a description of the property upon which a lien is claimed; and by serving a notice in writing of the filing of such lien upon the owner of the land: *Provided*, That if with due diligence the owner cannot be found in the county where the land is situated, the claimant, after filing an affidavit setting forth such facts, may serve a copy of such statement upon the occupant of the land, or if the land be unoccupied, may post such copy in a conspicuous place upon the land or any building thereon. Immediately upon the filing of such statement the clerk of said court shall enter a record of the same in the docket provided for in section two of this act, and in the manner therein specified: *Provided*, That the owner of any land affected by such lien shall not thereby become liable to any claimant for any greater amount than he contracted to pay the original contractor; but the risk of all payments made to the original contractor shall be upon such owner until the expiration of the sixty days hereinbefore specified; and no owner shall be liable to an action by such contractor until the expiration of said sixty days, and such owner may pay such sub-contractor the amount due him from such contractor for such labor and material, and the amount so paid shall be held and deemed a payment of said amount to the original contractor. The district clerk shall be entitled to a fee of twenty-five cents in each case for entering the statements provided for in this act, and the costs of filing and entering such statement shall be recovered as part of the costs of enforcing such liens.

SEC. 4. All claims for liens and rights of action to recover therefor under this act shall be assignable so as to vest in the assignee all rights and remedies herein given, subject to all defenses thereto that might be made if such assignment had not been made. Where a statement has been filed and recorded as herein provided, such assignment may be made by an entry, on the same page of the mechanics' lien docket containing the record of the lien, signed by the claimant or his

lawful representative and attested by the clerk; or such assignment may be made by a separate instrument in writing.

May be enforced  
by.

SEC. 5. Any lien provided for by this act may be enforced by civil action in the district court of the county in which the land is situated, and such action shall be brought within one year from the time of the filing of said lien with the clerk of said court: *Provided*, That where a promissory note is given such action may be brought at any time within one year from the maturity of said note. The practice, pleading and proceedings in such action shall conform to the rules prescribed by the code of civil procedure as far as the same may be applicable; and in case of action brought, any lien statement may be amended by leave of court in furtherance of justice as pleadings may be in any matter, except as to the amount claimed.

Provided.

SEC. 6. In such actions all persons whose liens are filed as herein provided, and other incumbrancers, shall be made parties, and issues shall be made and trials had as in other cases. Where such action is brought by a sub-contractor, or other person not the original contractor, such original contractor shall be made a party defendant, and shall at his own expense defend against the claim of every sub-contractor, or other person claiming a lien under this act, and if he fails to make such defense the owner may make the same at the expense of such contractor; and until all such claims, costs and expenses are finally adjudicated, and defeated or satisfied, the owner shall be entitled to retain from the contractor the amount thereof, and such costs and expenses as he may be required to pay: *Provided*, That if the sheriff of the county in which such action is pending shall make return that he is unable to find such original contractor, the court may proceed to adjudicate the liens upon the land and render judgment to enforce the same with costs.

Provided.

SEC. 7. If several actions brought to enforce the liens herein provided for are pending at the time, the court may order them to be consolidated; and in any action brought to enforce a lien under this act, if the building or other improvement is still in course of construction, the court, on application of any party engaged in furnishing labor or materials for such building or improvement, may stay the trial thereof for a reasonable time to permit the filing of a lien statement by such party under the provisions of this act.



SEC. 8. In all cases where judgments may be rendered in favor of any person or persons to enforce a lien under the provisions of this act, the real estate or other property shall be ordered to be sold as in other cases of sales of real estate, such sale to be without prejudice to the rights of any prior incumbrancers, owner or other person not a party to the action.

SEC. 9. In any action brought by any artisan or day laborer to enforce any lien under this act, where judgment be rendered for plaintiff, the plaintiff shall be entitled to recover a reasonable attorney's fee to be fixed by the court, which shall be taxed as costs in the action.

SEC. 10. If any lien or liens shall be filed under the provisions of this act and no action to foreclose any of said liens shall have been commenced, the owner of the land may file his petition in the district court of the county in which said land is situated, making said lien-claimants defendants therein, and praying for an adjudication of said lien or liens so claimed, and if any such lien-claimant shall fail to establish his lien, the court may tax against said claimant the whole, or such portion of the costs of such action as may be just: *Provided*, <sup>Provided.</sup> That if no action to foreclose or adjudicate any lien filed under the provisions of this act shall be instituted within one year from the filing of said lien, the clerk of the district court shall enter under the head of "Remarks," in the mechanics' lien docket hereinbefore named, that said lien is canceled by limitation of law.

SEC. 11. If the proceeds of the sale be insufficient to pay <sup>Proceeds.</sup> all the claimants, then the court shall order them to be paid in proportion to the amount due each.

SEC. 12. The erecting or constructing of a lightning rod or rods on any buildings shall not be considered such an improvement, fixture, or attachment, as to come under the provision of section one (1) of this act.

SEC. 13. The contractor or owner mentioned in section 1 of <sup>Bond.</sup> this act may execute a bond to the state of Kansas for the use of all persons in whose favor liens might accrue by virtue of this act, conditioned for the payment of all claims which might be the basis of liens; which bond shall be in a sum not less than the contract price, and with good and sufficient sureties, whose qualifications shall be verified in accordance with section 723 of the code of civil procedure, such surety as shall be approved by the clerk of the district court in the

county in which the property is situated, and may file such bond in the office of said clerk; and when such bond is so approved and filed no lien shall attach under this act, and if when such bond is filed liens have already been filed, such lien shall be discharged. Suits may be brought on said bond by any person interested.

SEC. 14. Sections one, two, three and four of chapter 141 of the laws of 1872, and sections five, six, seven and eight of chapter 97 of the laws of 1871, be and the same are hereby repealed.

SEC. 15. This act shall be in force from and after its publication in the official state paper.

• Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXIX.

### FREE LIBRARIES.

AN ACT to authorize certain townships to establish and maintain free libraries and reading rooms.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That upon the written petition of fifty taxpayers of any township, having more than one thousand inhabitants as shown by the last preceding assessor's return, to the board of county commissioners, said board shall cause to be submitted to the legal voters of such township at the first annual election thereafter, or, if the petition so request, at a special election to be called for that purpose, the question of the establishment and maintenance of a free library and reading room by such township; and if a majority of the votes cast at such election shall be in favor of the establishment and maintenance of such library and reading room, the township board of such township shall annually thereafter levy a

tax of not to exceed three mills on the dollar on all the taxable property in such township, such tax to be collected as other township taxes, and to be known as the "library fund."

SEC. 2. That before the county commissioners shall call said election there must have been donated to the township petitioning for the election not less than two thousand (\$2,000) dollars in money or its equivalent in property, the title to which shall be vested in the township for the use and benefit of said library fund.

SEC. 3. The township board of any township that shall have decided to establish and maintain a library and reading room under this act shall have exclusive control of the expenditure of all money collected to the credit of the "library fund;" they shall have charge of the construction of any library building, and the supervision, care and custody of the premises used for that purpose. Said board shall have power to purchase or lease grounds; to occupy, lease or erect buildings for the use of said library; to purchase such books, magazines and papers as they may deem advisable; to appoint a librarian and necessary assistants, and fix their salaries; and shall have power to remove appointees, and in general to carry out the spirit and intent of this act.

SEC. 4. Every library and reading room established under this act shall be free to the inhabitants of the township wherein it is located, subject always to such reasonable rules and regulations as the township board may adopt.

SEC. 5. This act shall take effect and be in full force from and after its publication in the statutes.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CLXX.

## MEADE CENTER—CHANGE OF NAME.

AN ACT changing the name of the city of Meade Center to Meade.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The name of the city of Meade Center, in Meade county, is hereby changed to the city of Meade.

SEC. 2. Nothing in this act contained shall be construed as impairing any right, obligation or liability of any kind whatsoever of said city of Meade Center now existing, but all rights of said city of Meade Center shall be vested in, and all obligations and liabilities of said city of Meade Center shall be assumed by the city of Meade.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 28, 1889.      WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CLXXI.

## MINES AND MINING—RELATING TO.

AN ACT relating to mines and mining, and amendatory of section 14 of chapter 117 of the laws of 1888.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the inspector may be enabled to perform the duties here imposed on him, he shall have the right at all times to enter any coal mine to make examination or obtain information. He shall notify the owners, lessees or agents immediately of the discovery of any violations of this

act and of the penalty imposed thereby for such violation; and in case of such notice being disregarded for the space of ten days, he shall institute a prosecution against the owner, owners, lessee or agent of the mine, under the provisions of section sixteen of this act. In any case, however, where in the judgment of the inspector delay may jeopardize life or limb, he shall at once proceed to the mine where the danger exists and examine into the matter, and if after full investigation thereof he shall be of the opinion that there is immediate danger, he shall apply in the name of the state to the district court of the county in which the mine may be located, or to the district judge in vacation, for an injunction to suspend all work in and about such mine; whereupon said court, or judge in vacation, if the cause appears to be sufficient after hearing the parties and their evidence as in like cases, shall issue a writ to restrain the working until all cause of danger is removed. And the costs of said proceedings, including the charges of attorney prosecuting said application, shall be borne by the owner of the coal mine: *Provided*, That no fee exceeding the sum of twenty-five dollars shall be taxed in any one case for the attorney prosecuting such case: *Provided further*, That if said court (or judge in vacation) shall find the cause not sufficient, then the case shall be dismissed and the costs shall be borne by the state or county in the discretion of the court (or judge in vacation).

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXXII.

## MINES—PROTECTION OF LIFE AND PROPERTY IN.

AN ACT to provide for the protection of life and property in and about coal mines.

*Be it enacted by the Legislature of the State of Kansas:*

Shall employ  
shot-firers.

SECTION 1. All owners, lessees, operators of, or any other person having the control or management of any coal shaft, slope, drift or pit in this state employing miners to work therein, shall employ shot-firers to fire the shots therein. Said shots shall be fired once a day on each day when any such shaft, slope, drift or pit is in operation, but shall not be fired until after all miners and other employés working therein shall have been hoisted out of said mine.

Unlawful for.

SEC. 2. It shall be unlawful for any miner or any other person other than the shot-firers provided for in section one of this act to fire any shot in any coal shaft, slope, drift or pit in this state. Any miner or other person engaged in mining coal in this state who shall drill any hole or fire any shot in the coal vein at the working-face of any room or entry until so much of said coal vein at said working-face as the said shot or shots are intended to throw down shall have been undermined to the depth of not less than two feet, or sheared or cut to the full depth of the drill or shot-hole and of the full thickness of the coal vein in rooms, or shall have been sheared to the full depth of the drill or shot-hole and the full thickness of vein in entries, or who shall so direct the drilling of such holes as to include between such shearing or mining and the back or rear end of the hole a greater width of coal than is contained between such shearing or mining and the mouth of the hole, shall be deemed guilty of a misdemeanor, and fined as hereinafter provided.

Any person hav-  
ing control of.

SEC. 3. Any owner, lessee, operator, or other person having the control or management of any coal shaft, slope, drift or pit, who shall refuse to furnish the shot-firers, as provided for in section one of this act, shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined in any sum not less than fifty nor more than two hundred dollars

Guilty of.

for each offense, or imprisonment in the county jail in the county where such offense is committed for a period not to exceed thirty days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.

SEC. 4. Any miner or other person who shall fire any shot in violation of section two of this act shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail in the county where such offense is committed not to exceed thirty days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction. <sup>Penalty.</sup>

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 1, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXXIII.

### SALT MINES—CITY OF ELLSWORTH TO VOTE BONDS FOR.

AN ACT authorizing the city of Ellsworth to vote and issue bonds for the purpose of developing salt mines.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The city of Ellsworth is hereby authorized to issue the bonds of said city in a sum not exceeding ten thousand dollars, for the purpose of developing and operating salt mines and to aid in the manufacture of salt, which bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, which shall run for a period not to exceed thirty years, and shall bear interest at a rate not to exceed six per cent. per annum.

SEC. 2. Before any bonds shall be issued under the pro-

visions of this act, the city authorities of said city shall order an election to be held for the purpose of submitting to the electors of said city a proposition to issue the bonds of said city in a sum not exceeding ten thousand dollars, which election shall be held and conducted in the manner prescribed by law for the holding of other city elections.

SEC. 3. If upon a canvass of the returns of said election it shall appear that a majority of the electors voting at such election are in favor of issuing said bonds, the corporate authorities of said city may issue the same and take stock in some company duly organized for the purpose of developing salt mines, or may donate the same or any part thereof, as said city authorities may determine, to aid in the development and manufacture of salt: *Provided*, That no bonds shall be issued or delivered to any company not organized and doing business under the laws of this state, nor to any company doing business outside of the county of Ellsworth.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXXIV.

### COAL MINING—PROVIDE FOR THE HEALTH AND SAFETY OF EMPLOYEES.

AN ACT to amend section 1 of an act of the Legislature of the State of Kansas, entitled "An act to amend an act entitled 'An act to provide for the health and safety of persons employed in and about the coal mines of Kansas, and providing for the inspection of the same,' being chapter 117 of the laws of 1883," approved March 7, 1885.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of an act of the legislature of the state of Kansas, entitled "An act to amend an act entitled



'An act to provide for the health and safety of persons employed in and about the coal mines of Kansas, and providing for the inspection of the same,' being chapter 117 of the laws of 1883," approved March 7, 1885, be and the same is hereby amended so as to read as follows: Section 1. That section two of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three be and the same is hereby amended so as to read as follows: It shall not be lawful, after six months from the passage of this act, for the owner, agent or operator of any coal mine to employ any person at work within said coal mine, or permit any person to be in said coal mine for the purpose of working therein, unless they are in communication with at least two openings, separated by natural strata of not less than eighty feet in breadth if the mine be worked by shaft or slope, and if worked by drift not less than fifty feet: *Provided, however,* That such coal mine shall not exceed one hundred feet in depth, from the surface to the coal; and for every additional one hundred feet, or fractional part thereof, six months additional time will be granted; but in all cases the number of men shall be limited not to exceed twenty-five until the second opening is perfected and made available; and a roadway to the same shall be kept open, not less than three feet high and four feet wide, thereby forming a communication as contemplated in this act, but the limit herein prescribed as to the number working in the shaft before the completion of the second opening shall not apply to mines exceeding seven hundred feet in depth. And for a failure to do as provided in this section, the owner, agent or operator shall be subject to the penalty provided for in section sixteen of this act. And in case furnace ventilation being used before the second opening is reached, the furnace shall not be within forty feet of the foot of the shaft, and shall be secured from danger from fire by brick or stone walls of sufficient thickness; and the flues shall be composed of incombustible material to an extent of not less than thirty feet from the furnace and the mine while being driven for making or perfecting a second opening. In all cases where the human voice cannot be distinctly heard, the owner, agent or operator shall provide and maintain a metal tube from the top to the bottom of the shaft or slope, suitably adapted to the free passage of sound, through which conversation may be held between persons at the bottom and

Not lawful after.

Proviso.

Not exceed.

The second opening.  
For failure to do.

Furnace shall.

Owner shall provide.

top of such shaft or slope; and there shall also be maintained the ordinary means of signaling to and from the top and bottom of such shaft or slope. In all mines of one hundred feet in depth or over from the surface to the ground an improved safety-catch shall be used, and sufficient horns or flanges shall be attached to the sides of the drum of every machine that is used for lowering or hoisting persons into and out of said mine where steam is used, and adequate brakes shall be attached thereto. The main link attached to the swivel of the wire rope shall be made of the best quality of iron, and shall be tested by weights or other means satisfactory to the inspector of mines of the state; and bridle-chains shall be attached to the main link from the cross-pieces of the cage, and no single-link chain shall be used for lowering or raising persons into or out of said mine; and not more than six persons shall be lowered or hoisted by the machinery at any one time; and only sober, competent and experienced engineers shall be employed, and said engineer shall have attained at least the age of eighteen years; and on no account shall any coal be hoisted, or timber or any other material sent up or down, or empty cars, while persons are descending into or ascending out of said mine. In all coal mines hereafter opened, or that shall hereafter go into operation in the state, the owner thereof, or owners, lessee, agent or operator shall construct such escapement-shaft as is now required by law in this state, at the rate of fifty feet every six months until such escapement-shaft shall have been fully completed; and until such escapement-shaft is fully completed and connected with the main shaft, it shall be unlawful to work over twenty-five men in said mine: *Provided further*, That the number of men to be employed in any mine seven hundred feet deep or more prior to the time when a second or air-shaft is sunk, shall be designated by the state mine inspector after a careful examination of all the conditions as to the safety and health of the men in the mines.

Competent engineers.

In all coal mines.

Escapement-shafts.

Twenty-five men.

Proviso.

SEC. 2. That original section one of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval and publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXXV.

### MORTGAGES—RELATING TO.

AN ACT relating to mortgages, and to amend section eight of chapter sixty-eight of the General Statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas*

SECTION 1. That section eight of article one of chapter sixty-eight of the general statutes of 1868 be and it is hereby amended so as to read: Section 8. When any mortgage of real property shall have been paid, it shall be the duty of the mortgagee or his assignee within thirty days after demand, in case demand can be made, by the mortgagor, his heirs or assigns, or by any one acting for such mortgagor, his heirs or assigns, to enter satisfaction or cause satisfaction of such mortgage to be entered of record without charge; and any mortgagee or assignee of such mortgage who shall refuse or neglect to enter satisfaction of such mortgage as is provided by this act shall be liable in damages to such mortgagor, or his grantee or heirs, in the sum of one hundred dollars, together with a reasonable attorney's fee for preparing and prosecuting such suit; and the plaintiff in such action may recover any additional damages that the evidence in the case will warrant. Civil actions may be brought under this act before any court of competent jurisdiction, and attachments may be had as in other cases.

SEC. 2. That section one of this act shall be construed so as to apply to mortgages heretofore paid, but not discharged of record: *Provided*, That if the residence of the holder of such mortgage can be ascertained, no action shall be brought until demand is made in accordance with said section; but such demand need not be in writing, and will be excused if

the residence of the holder of such mortgage cannot, with due diligence, be ascertained.

SEC. 3. That any action commenced in the district court to recover damages under the provisions of this act, the plaintiff may unite with such claim a cause of action to cancel the mortgage and remove the cloud from the title; and if plaintiff recovers damages in such action, he shall be entitled to a further judgment canceling such mortgage and quieting the title to the mortgaged premises; and where personal service of summons cannot be had on the defendant or defendants within this state, judgment canceling such mortgage may be rendered in the action upon proof of due service by publication, or upon due personal service obtained out of this state.

SEC. 4. That original section eight of article one, chapter sixty-eight of general statutes of 1868, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXXVI.

### MORTGAGING EXEMPT PERSONAL PROPERTY, PROHIBITING.

AN ACT to prohibit the mortgaging of exempt personal property without the joint consent of husband and wife.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. It shall be unlawful for either husband or wife (where that relation exists) to create any lien, by chattel mortgage or otherwise, upon any personal property owned by either or both of them and now exempt by law to resident heads of

families from seizure and sale upon any attachment, execution or other process issued from any court in this state, without the joint consent of both husband and wife; and from and after the time when this act shall take effect, no such mortgage of personal property shall be valid unless executed by both husband and wife.

SEC. 2. The provisions of this act shall not apply to mortgages of personal property now in force, or in any manner affect any lien upon personal property now existing.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CLXXVII.

### MORTGAGE—PENALTY FOR COMMITTING WASTE BY REMOVING BUILDINGS.

AN ACT relating to mortgages upon real property, and providing a penalty for committing waste by removing buildings or other improvements therefrom.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That it shall be unlawful for any person to remove any building, out-house or shed off and from any real property upon which there is an unsatisfied mortgage properly recorded in the office of the register of deeds in the county where such real property is situate, without first obtaining from the mortgagee, his agent or assign, written permission for such removal. Shall not remove.

SEC. 2. That the removal of any building, out-house or shed from any real property upon which there is an unsatisfied mortgage properly recorded as mentioned in the first section of this act, shall not destroy the lien of such mortgage upon such removed property, and it shall be the duty of the The removal of.

court, in any action brought to foreclose any mortgage where it is shown that the property from which said building, out-house or shed has been removed is insufficient to satisfy such mortgage, to decree the sale of said building, out-house, or shed, wherever the same may be located, in satisfaction of such mortgage, provided that the land from which said building, out-house or shed was removed shall be first sold.

Penalty.

SEC. 3. Any person convicted of a violation of the first section of this act shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the county jail not less than two months nor more than six months.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CLXXVIII.

### MOUNT AUBURN—CHANGE OF NAME OF.

AN ACT to change the name of Mount Auburn, Conboy, Miller and Goble's addition to Aubrey, Johnson county, Kansas, to Stilwell.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the name of the village of Mount Auburn, Conboy, Miller and Goble's addition to Aubrey, situated in the southeast part of Johnson county, Kansas, be changed to Stilwell.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXXIX.

## NORMAL SCHOOL LANDS—FORFEITURE OF.

AN ACT relating to the forfeiture of Normal School lands.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Whenever any contract for the purchase of State Normal School lands shall become forfeited by reason of non-payment of interest, the board of regents of the State Normal School may, in their discretion, waive such forfeiture and reinstate such forfeiture contract upon such terms and conditions as they shall deem just and equitable.

SEC. 2. Such reinstatement shall have no force or effect until a certificate thereof, under the seal of the board and signed by the secretary thereof, shall be forwarded to the state treasurer, together with all arrearages of interest and penalties which shall have accrued.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CLXXX.

## OILS—STATE INSPECTOR OF.

AN ACT to provide for a State Inspector of Oils, and deputies, and to define their duties and provide fees for the same, and prescribe penalties for violation thereof, and to repeal acts and parts of acts in conflict herewith.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. All minerals or petroleum oil, or any oil, fluid or substance which is a product of petroleum, or into which Products of.

Shall be inspected.

petroleum or any product of petroleum enters or is found as a constituent element, whether manufactured in the state or not, shall be inspected as provided in this act before being offered for sale for consumption for illuminating purposes in the state.

Appoint.

Term of office.

Inspector, duty of.

SEC. 2. The governor shall on or before the first day of April next appoint a suitable person, resident of this state, who is not interested in manufacturing, dealing, or in vending any of the illuminating oils specified in section one of this act, as state inspector of oils, whose term shall be two years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said state inspector or his deputies hereinafter provided for to examine and test within this state the quality of all such oils offered for sale by any manufacturer, vendor, or dealer, and if upon such testing and examination they shall meet the requirements hereinafter specified, he shall fix his brand or device, viz.: "Approved; flash-test 110 degrees," (inserting the actual flash-test,) with the date of his official signature upon the package, barrel or cask containing the same. And to more effectually carry out the provisions of this act, it shall be lawful for any state inspector, or his deputies, to enter into or upon the premises of any manufacturer of, vendor of, or dealer in said oils, and if any such oils intended for consumption for illuminating purposes within the state shall be found there which should have been inspected, as provided for in this act, and have not been, the inspector shall proceed to test and brand the same. It shall be lawful for any manufacturer, vendor or dealer to sell oils so tested if they are found to comply with the requirements of this act and are properly branded "Approved;" but if such oils so tested shall not meet said requirements, the words "Rejected for illuminating purposes" shall be marked in plain letters on the package, barrel or cask containing them, and it shall be unlawful for the owner or owners thereof to sell them for illuminating purposes for consumption in this state. If any person shall sell or offer for sale such rejected oils for such purposes, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty, in the discretion of the court, in any sum not exceeding five hundred (500) dollars.

Unlawful for.

Guilty of.

May appoint.

SEC. 3. The state inspector provided for in this act is hereby authorized to appoint and station deputies sufficient in



number to promptly perform all inspections they may be called on to make, not to exceed five deputies, which deputies are hereby empowered to perform the duties of inspection and shall be liable to the same penalties as the state inspector:

*Provided*, That the state inspector may remove any of said deputies for reasonable cause. The state inspector and his deputies shall provide themselves, at their own expense, with the instruments, stencils, brands and stamps necessary for the proper performance of their duties, and when called upon for that purpose they shall promptly as may be possible inspect all oils hereinbefore mentioned, and shall reject for illuminating purposes such of them as will emit a combustible vapor at the temperature of one hundred (110) degrees Fahrenheit. The oil tester now used in the state of Ohio, and known as the Foster apparatus, shall be used by the state inspector and his deputies; and in making the test, the oil shall not be heated faster than two degrees per minute.

*Proviso.*

State inspector and deputies shall provide.

SEC. 4. Every person appointed as state inspector or deputy inspector, before he enters upon the discharge of the duties of his office shall take the oath or affirmation prescribed by the constitution and laws of this state, and shall file the same in the office of the secretary of state. The state inspector shall execute a bond to the state of Kansas in the sum of ten thousand (10,000) dollars with such surety as shall be approved by the secretary of state, conditioned for the faithful performance herein imposed upon him, which bond shall be for the use of all persons aggrieved by the act or neglect of said inspector, and the same shall be filed with the secretary of state. Each deputy inspector before he enters upon the duties of his office shall execute a bond to the state inspector in the sum of five thousand (5,000) dollars, with such sureties as may be approved by the state inspector. Such bond shall be filed with the state inspector, shall be conditioned for the faithful performance of the duties herein imposed, and shall be for the use of all persons aggrieved by the act or neglect of said deputy inspector: *Provided*, That in case of the insolvency of the deputy inspector or his bondsmen, the inspector shall be liable for any damages resulting from oils inspected by such deputy inspector.

Shall take oath.

Execute bond.

Deputy's bond.

*Proviso.*

SEC. 5. The state inspector or deputy inspector is entitled to demand and receive from the owner of any oils tested, forty (40) cents for a single barrel, thirty cents per barrel for lots

*Fees.*

Keep record.

of from 2 to 5 barrels; 20 cents per barrel for lots of from 6 to 25 barrels; 15 cents per barrel for lots of from 26 to 50 barrels; and 10 cents per barrel for lots of over 50 barrels; and when such oil is contained in storage tanks or packages other than barrels, 55 gallons shall be considered and counted as one barrel in the settlement of the inspector's fee. It shall be the duty of the state inspector and each deputy inspector to keep an accurate record of all oils tested and branded by him, which record shall state the date of inspection, the number of packages, barrels or casks rejected, the number approved, the manufacturer's brand, the name of the person for whom inspected, and the sum of money received for such inspection; and such record shall be open to all persons interested. At the beginning of every month each deputy inspector shall forward to the state inspector a true copy of such record, and all moneys received by him for his inspections. In the month of January of each year the state inspector shall make and deliver to the governor of the state a report of the inspection by himself and deputies during the preceding calendar year.

Salary.

SEC. 6. The state inspector shall receive an annual salary, payable monthly, of not to exceed one hundred (100) dollars per month, and be allowed all actual and necessary expenses for railroad, stage and traveling expenses incurred in the discharge of his duties as state inspector as herein provided. Each deputy inspector shall also be entitled to and allowed a salary of not to exceed fifty (50) dollars per month and all actual and necessary expenses for railroad, stage and steamboat fares incurred in the discharge of his duties as such deputy inspector, and for other sums of money as by the authority of the state inspector he may expend in the prosecutions for offenses arising under the provisions of this act. All salaries and expenses provided for in this act shall be paid by the state inspector out of the money received for the inspection of oil:

Proviso.

*Provided*, That in case the amount of money received for such inspection, according to the provisions of this act, shall not be sufficient to pay the salaries and expenses of the state inspector and his deputies as provided herein, the amount of such deficiency shall be deducted from the said salaries, *pro rata* to each: *Provided further*, That in case the moneys received for the inspection of oils, according to the provisions of this act, shall be in excess of the sum re-

... to pay the salaries and expenses of the state inspector and his deputies as provided hereinbefore, the amount of such excess shall be paid into the state treasury for the benefit of the general fund. The state inspector shall render to the state auditor a detailed account of all the receipts and disbursements of his office, and shall also incorporate a copy of such report in his annual report to the governor.

SEC. 7. Any person or persons, whether vendor, manufacturer, or dealer, who shall sell or attempt to sell to any person in this state any of the illuminating oils hereinbefore mentioned before having the same inspected as provided in this act, shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not exceeding five hundred (500) dollars; and if any manufacturer, vendor, or dealer in any of said illuminating oils shall falsely brand the package barrel or cask containing the same, for the purpose of deceiving the purchaser thereof in any manner as to the contents of the same, or shall use packages, barrels or casks having an inspector's brand thereon without having the oil inspected, he or she shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in a sum not exceeding three hundred dollars (\$300) nor less than one hundred dollars (\$100) or to be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Any person or persons.

Guilty of.

SEC. 8. Any person selling or dealing in the illuminating oils hereinbefore specified who shall sell or dispose of any empty barrel, cask or package that has once been used for such oils and been branded by a state or deputy inspector before thoroughly canceling, removing, or effacing the inspection brand on the same, shall be guilty of a misdemeanor, and on conviction thereof shall pay a fine of ten dollars (\$10) for each barrel, cask or package thus sold or disposed of.

Casks branded by.

SEC. 9. Any person who knowingly uses for illuminating purposes any illuminating oils as hereinbefore specified before the same have been legally inspected and branded "Approved," as required in section one of this act, shall be fined in any sum not exceeding one hundred dollars (\$100) nor less than twenty (20) dollars.

SEC. 10. No person shall adulterate with paraffine or other substance, for the purpose of sale or for use, any of the illuminating oils specified in this act in such manner as to render them dangerous to use, nor shall any person sell or offer to

Any person who shall adulterate.

Proviso. sell or knowingly use for illuminating purposes any such adulterated oils which by reason of being adulterated will emit a combustible vapor at less temperature than one hundred (110) degrees Fahrenheit thermometer: *Provided*, That such vaporizing point shall be determined in the manner and with the instrument as hereinbefore provided in section three of this act. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred (500) dollars, or by both such fine and imprisonment, in the discretion of the court.

Gas or vapor may be.

SEC. 11. Gas or vapor from petroleum or any of the products of the petroleum may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in closed reservoirs outside of the building lighted by said gas or vapor. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred (300) dollars, or by both such fine and imprisonment, at the discretion of the court: *Provided*, That nothing in this act shall be construed as to the use in street lamps of the lighter products of petroleum, such as gasoline, benzine, benzole, and naphtha.

Proviso.

Whoever shall knowingly sell.

SEC. 12. Whoever shall sell or cause to be sold any of the illuminating oils as specified in this act which are below one hundred (110) degrees Fahrenheit when tested, as provided for in section three of this act, shall be liable to any person purchasing any of such oil, or any person injured thereby, for any damages to persons or property arising from any explosion thereof.

While in office, traffic.

SEC. 13. No state inspector or deputy inspector shall while in office traffic directly or indirectly in any of the oils which he has been appointed to inspect; and in case of a violation of this provision, the offender shall be fined in any sum not exceeding five hundred (500) dollars, and be removed from his position.

State and deputy inspectors shall file.

SEC. 14. It shall be the duty of the state inspector or any deputy inspector who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction against any person so offending;

knowledge or such violation shall neglect to enter complaint, he shall be deemed guilty of a misdemeanor, and upon conviction shall be removed from his position.

SEC. 15. It shall be the duty of all county attorneys to represent and prosecute on behalf of the people within their respective counties all cases of offenses arising under the provisions of this act. County attorney, duty of.

SEC. 16. All questions of dispute arising between the deputy inspector and manufacturers and dealers shall be submitted to the state inspector for his decision, and his decision shall be final. Questions of dispute.

SEC. 17. It shall be the duty of the governor to remove from office any state inspector who shall prove himself to be either unfaithful or incompetent in the discharge of his duties. Governor, duty of.

SEC. 18. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its publication in the official state paper and in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CLXXXI.

### POLICE GOVERNMENT FOR CITIES.

AN ACT relating to the police government of cities, and amendatory of and supplemental to chapter one hundred of the Session Laws of 1887, being an act entitled "An act providing for the police government of cities of the first class through a board of police commissioners appointed by the Executive Council, and also for a similar government of cities of the second class in certain contingencies."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter one hundred of the laws of eighteen hundred and eighty-seven be and the same

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Governor may appoint.          | is hereby amended so as to read as follows: Section 1. The governor of the state of Kansas, by and with the consent of the senate, shall appoint a board of police commissioners, to consist of three members, for each city of the first class in this state: <i>Provided</i> , That the governor may refrain from making any such appointments in any of such cities if in his judgment such appointment is not necessary for the good government of the same. Such commissioners shall have been qualified electors and householders of such city at least three years next prior to their appointment, and one of whom shall be of opposite politics from the other two. If the legislature is not in session at the time when such commissioners are appointed, they may, after having qualified as herein provided, enter upon the discharge of their duties as such commissioners.                                                                                                                                                                                                                                                                                                                           |
| Commissioners' qualifications. | The official term of such commissioners shall expire on the first Tuesday of April of each odd-numbered year, but such commissioners or any one of them may be removed and the vacancies filled by the governor of the state of Kansas at any time; and at the regular session of the legislature next preceding the expiration of the official term of such commissioners the governor shall, by and with the consent of the senate, make a new appointment of the same or other commissioners for the next succeeding regular term of two years.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Official term.                 | Before entering upon their duties such commissioners shall each take and subscribe and cause to be filed in the office of the secretary of state an oath of office and for the faithful discharge of duty; and if any appointee shall for ten days after notification fail to cause such oath to be filed as aforesaid, his appointment shall be revoked and a new appointment shall be made by the governor, who shall also have power to fill all vacancies in said board: <i>Provided</i> , That the mayor and councilmen of any city governed by the provisions of this act shall not be eligible to the office of police commissioner. One of said commissioners shall be designated by the governor to act as president and another one of them to act as secretary of the board. The annual salary of the commissioners shall be fixed by the executive council, but the same shall not be less than two hundred dollars nor more than three hundred dollars for each commissioner for a city of the second class, nor less than three hundred dollars nor more than four hundred dollars for each commissioner for a city of the first class; but the secretary may be allowed a sum not exceeding two hun- |
| Oath.                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Proviso.                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Salary of.                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Secretary.                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

dred dollars in addition to his salary as a commissi salaries shall be paid out of the state treasury in l as the salaries of state officers.

SEC. 2. That section two of chapter one hundred sion laws of eighteen hundred and eighty-seven same is hereby amended so as to read as follows: board of police commissioners shall immediately police judge, whose term of office shall expire on Tuesday of April of the next odd-numbered yea his appointment, when the new or reappointed l make a new appointment of the same or some othe police judge for the next regular term of two y police judge appointed by the board shall have th and same power and authority, and shall exercise al and perform all the duties under the laws of the st ordinances of such city, as the police judge of such existing laws. And in addition thereto the police pointed under this act shall have concurrent jurisd justices of the peace of all offenses arising in the the laws of the state, and concurrent jurisdiction w of the peace of all offenses arising in the county laws of the state. The commissioners shall have to remove the police judge in the same manner a can remove the marshal and police officers.

SEC. 3. That section five of chapter one hund session laws of eighteen hundred and eighty-seven same is hereby amended so as to read as follows: board may, on the application of any person or pe ing cause therefor, appoint any number of special p do duty at any designated place or places in the city pense of the person or persons by whom such e shall be made; and the city shall not pay any e policemen so appointed, and such special policemen be required to do duty at any other than the desig or places, but in all other respects they shall ob and regulations of the board and all orders froi shal. The board may also appoint such number policemen for general duty in the city as may be visable, not exceeding the number of the regular but such special policemen shall not serve longe successive days without new appointments being n manner, and they shall not be paid at a rate excee

the regular policemen, and shall be paid by the city as other policemen.

Mayor and  
council, duty of.

SEC. 4. That section six of chapter one hundred of the session laws of eighteen hundred and eighty-seven be and the same is hereby amended so as to read as follows: Sec. 6. It shall be the duty of the mayor and council of any such city, to pay, upon the requisition of the commissioners, for patrol wagon, horses, harness, and necessary supplies, and provide all necessary accommodations for the sessions of the board; and to provide a police-court room, station houses and prisons, and to furnish, warm and light the same; to pay for food for prisoners; to provide for the monthly payment of the police judge and police officers, on the certificate of the board as to the amount due each; also, for such office expenses, record books, stationery, printing, telegraphing, badges, clubs, and the repair and cleaning of police buildings, as may be necessary—it being the true intent and meaning of this act that all the necessary expenses of the police department shall be borne by the city out of its general revenue fund, notwithstanding the government of such department is vested exclusively in said board.

Salaries.

Cities of the  
second class.

First class.

SEC. 5. That section nine of chapter one hundred of the session laws of eighteen hundred and eighty-seven be and the same hereby is amended so as to read as follows: Sec. 9. The annual salaries of the following-named officers shall be fixed by order of the board within the following limits, namely: In cities of the second class, the police judge not less than five hundred dollars and not more than seven hundred and twenty dollars; the marshal not less than five hundred dollars nor more than seven hundred and twenty dollars; and the policemen each not less than three hundred and sixty dollars nor more than six hundred dollars. In cities of the first class having a population of more than forty thousand, the chief of police at a rate per annum not exceeding fifteen hundred dollars; one captain at a rate per annum not exceeding one thousand dollars; the police judge at a rate per annum not exceeding twelve hundred dollars; two sergeants for each police district at a rate not exceeding nine hundred dollars per annum; one jailer at the rate of sixty dollars per month; one sanitary sergeant at the rate of sixty-five dollars per month; one police surgeon at the rate of twenty-five dollars per month; one patrol-wagon driver at the rate of sixty dollars per month;



patrolmen fifty dollars per month for the first six months, and sixty-five dollars per month thereafter. In cities of the first class having a population of less than forty thousand, the police judge not less than eight hundred dollars nor more than twelve hundred dollars; the marshal not less than eight hundred dollars nor more than twelve hundred dollars; and the policemen each not less than six hundred dollars nor more than seven hundred and twenty dollars.

Less than forty thousand.

SEC. 6. That section ten of chapter one hundred of the session laws of eighteen hundred and eighty-seven be and the same is hereby amended so as to read as follows: Section 10. All fines or forfeitures collected by the police judge upon charges for the violation of the laws of the state shall be by him paid into the county treasury of the county in which said city is located, for the use of the common-school fund of such county. All fines and forfeitures collected upon charges for a violation of city ordinances, and all fees of officers collected by the police judge under any act of the legislature or city ordinance for services, shall be paid to the city treasurer, to be held by him subject to the order of the board of police commissioners for the payment of the salaries of all officers under this law, and the expenses of the police department. And the mayor and council are required to set apart and pay monthly out of the general fund of the city such sum as may be necessary to pay the balance due for such salaries and expenses, after deducting the amount of such fines so paid to said treasurer. After the payment of the salaries of all officers under this law, and expenses of the police department, if there should be a surplus in the hands of the city treasurer, derived from fines and forfeitures collected by the police judge for a violation of city ordinances, such surplus shall be paid over to the general revenue fund of said city.

All fines.

SEC. 7. That section thirteen of chapter one hundred, laws of 1887, be and the same is hereby amended so as to read as follows: Section 13. It shall be the duty of the clerk of the court in which such judgment of ouster is rendered, to immediately certify a copy of the journal entry thereof, under the seal of the court, to the governor, who shall thereupon appoint a board of police commissioners for such city of the second class, which commissioners shall have like qualifications, powers and duties, and for same term, as prescribed herein for such commissioners in cities of the first class; and there-

Clerk of the court.

upon this act shall take effect and be in force in such city until such time as hereinafter provided.

When not necessary to continue, the governor shall.

SEC. 8. That section 16, chapter 100 of the laws of 1887, be and the same hereby is amended so as to read as follows: Section 16. Whenever the governor shall deem it no longer necessary to continue the government of any city by this act, the governor shall issue, and cause to be published in the official state paper, his proclamation to that effect; thereupon a police judge, a marshal and a sufficient number of policemen shall be appointed by the mayor, by and with the consent of the council, in like manner as if this act had never been passed; and the functions and salaries of the police judge under this act shall cease and determine upon the appointment of such police judge and his qualification under such appointment; and the functions and salaries of all officers under this act shall cease and determine upon the appointment of such policemen and marshal by the mayor by and with the consent of the council, and their qualification under such appointment. And the prosecution of an action to final judgment, and the placing of the police government of a city under the provisions of this act, shall not be construed as a bar to a subsequent action and further proceedings under this act, whenever it shall be deemed necessary by the attorney general or the assistant attorney general for the county in which such city is located.

Bonds.

SEC. 9. The board of commissioners shall have exclusive power to approve all bonds of the officers of the police department.

Fines remitted.

SEC. 10. No fines assessed or on sentences adjusted by the police judge shall be remitted by the mayor and council except upon the recommendation of the board of police commissioners.

City attorney shall.

SEC. 11. Where a bond is forfeited in the police court for a violation of a state law or a city ordinance, it shall be the duty of the city attorney to bring suit on the bond at once upon the request of the police commissioners, and to prosecute to final judgment and execution under their special direction.

Power to employ.

SEC. 12. The commissioners shall have the power to employ in addition to the other policemen heretofore provided for, one captain, two sergeants for each police district, one sanitary sergeant, one jailer, and one driver; also two police-

men, who shall not be required to wear the uniform of the city, and whose wages shall not exceed \$60 per month.

SEC. 13. That upon the filing of an affidavit with a police judge charging that in any house, tenement, in any other place named in such affidavit, and the issuing of a warrant by him, the marshal and police shall have authority to break open and enter any house, tenement, inclosure or place where any penal law of the state or city ordinance has been, is being, or is about to be violated, and arrest the offender: *Provided*, That if it shall be made to appear that such affidavit is filed without probable cause, or from malicious motives, the person so filing such affidavit shall be liable for all costs in the case, and damages sustained by breaking any such building or inclosure.

SEC. 14. All goods that have been deposited in the vault of the station houses, or with any policeman at the court, that shall belong to any of the prisoners or to persons whose names are unknown, which shall have been in the vault for six months and unredeemed, shall be sold by order of the police judge at public auction, due notice having been given by advertisement for four weeks in a newspaper of general circulation in the county; and the money arising therefrom shall be paid over to the city treasurer to be applied to the payment of fines arising from violations of city ordinances.

SEC. 15. That the police force appointed and created by this act shall constitute the sole police force of every city to which this act applies, and the city council and mayor shall have no right to appoint or employ other police, a chief of police, or officers upon the police force, or appropriate money for the payment of any officers upon the police force except those provided for in this act. All officers upon the police force or policemen appointed by the board of police commissioners shall be recognized by the mayor and council as the police of such city until official notice has been given to the city board of police commissioners that a change has been made in the appointments to that office.

SEC. 16. That sections one, two, five, six, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of the said act to which this is an amendment and supplemental are hereby repealed.

SEC. 17. This act shall take effect from and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 13, 1889. WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CLXXXII.

### PATENT RIGHTS—REGISTRATION AND SALE OF.

AN ACT relating to the registration and sale of patent rights, and prescribing a penalty for the violation of the same.

*Be it enacted by the Legislature of the State of Kansas:*

Shall file with.

SECTION 1. It shall be unlawful for any person to sell or barter or offer to sell or barter any patent right, or any right which such person shall allege to be a patent right, in any county within this state, without first filing with the clerk of the district court of such county copies of the letters-patent duly authenticated, and at the same time swearing or affirming to an affidavit before such clerk that such letters-patent are genuine, and have not been revoked or annulled, and that he has full authority to sell or barter the right so patented; which affidavit shall also set forth his name, age, occupation and residence; and if an agent, the name, occupation and residence of his principal. A copy of this affidavit shall be filed in the office of said clerk, and said clerk shall give a copy of said affidavit to the applicant, who shall exhibit the same to any person on demand.

Copy of this affidavit.

Written obligation.

SEC. 2. Any person who may take any obligation in writing, for which any patent right, or right claimed by him or her to be a patent right, shall form the whole or any part of the consideration, shall, before it is signed by the maker or makers, insert in the body of said written obligation, above the signature of said maker or makers, in legible writing or print, the words, "Given for a patent right."

SEC. 3. Any person who shall sell or barter or offer to sell or barter within this state, or shall take any obligation or promise in writing for a patent right, or for what he may

call a patent right, without complying with the r of this act, or shall refuse to exhibit the cert demanded, shall be deemed guilty of a misdemes conviction thereof before any court of competent shall be fined in any sum not exceeding one thous or be imprisoned in the jail of the proper count than six months, at the discretion of the court or the same, and shall be liable to the party injure action, for any damages sustained.

SEC. 4. This act shall take effect and be in ful and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in and that the same was published in the official March 15, 1889. WILLIAM HIGGINS, *Secretary*.

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## CHAPTER CLXXXIII.

### POLITICAL DISABILITIES REMOVED.

AN ACT to remove the political disabilities of persons the and restoring them to citizenship.

*Be it enacted by the Legislature of the State of Kan*

SECTION 1. That the political disabilities impos tion two (2) of article five (5) of the constitution of Kansas, as amended November fifth (5th), eighte and sixty-seven (1867), upon the following-name to wit, B. M. Martin, J. M. Tesh, W. T. Gardn Paulus, J. A. Teague, A. J. Teague, and Francis Edward Smith of Sumner county, Kansas, Baylis of Barber county, Kansas, E. H. Groseclose of county, Kansas, William B. Smith of Cloud count C. B. Gray of Chautauqua county, Kansas, J. T Labette county, J. M. Altaffer, W. H. Daggy, W. John T. Howe, Thomas F. Hodnett, Cyrus Evan M. Collinsworth, and J. W. Brusch of Montgome

W. S. Mitchell, J. B. Anderson, and W. R. Anderson of Butler county, W. H. Thomason, R. E. Morehead, J. M. Wise, J. L. Umberger of Pawnee county, Henry Neighbors, Joseph Archer, William Breeden, James Horn of McPherson county, D. W. Miller, W. D. Schuller, J. E. Morris, T. P. Tegett, C. T. Copehaven, William Lamb of Reno county, Joseph H. Cox of Gove county, Richard F. Spencer of Morton county, T. G. Hubbard of Haskell county, H. R. Keller of Seward county, John R. Kershner of Crawford county, W. J. Veal, D. T. Fitzpatrick of Washington county, George W. Sanders of Linn county, William Vint of Franklin county, Rufus A. Pegg of Butler county, C. P. Moonman, S. W. Hensley, John D. Goodwin, Matthew Woodward, Nathan Woodward of Neosho county, Andrew J. McClure, John McClure, John Denton of Jewell county, Jones W. Hicks of Ford county, A. P. Hamilton of Wilson county, G. P. Miller of Osage county, J. B. Bennett, J. M. Samuel, P. Trout, R. F. Carroll of Allen county, Kansas, Jonas Good of Norton, Dr. C. G. Holland of Cowley county, J. P. Teem of Miami county, and J. M. Samuel of Allen county, A. E. T. Jordan of Pawnee county, Joseph H. Thomas of Pawnee county, R. F. Correll, of Anderson county, Andrew J. Turner of Crawford county, John R. Kershner of Crawford county, James R. Mann of Morris county, C. B. Moorman of Nemaha county, S. W. Hensley of Nemaha county, John D. Goodwin of Nemaha county, Matthew Woodman of Nemaha county, Nathan Woodman of Nemaha county, J. R. Knott of Butler county, Wm. Campbell of Butler county, W. H. Tucker of Butler county, J. G. Fuqua of Butler county, James Harrison of Butler county, J. Hiram of Butler county, Joseph H. Cox of Butler county, T. J. C. Smith of Butler county, W. G. Waggner of Butler county, W. S. Etter of Butler county, William Finn of Butler county, F. Spencer of Butler county, Samuel W. Reed, W. P. Rollins, Frank R. Cornelius, J. H. Burnett, Augustus J. Turner, J. R. Collier of Hamilton county, H. P. Walker of Cherokee county, H. C. Rollin, be and the same are hereby removed, and the said persons are hereby restored to full citizenship, with the right to vote and hold office in the state to the same extent as though said political disabilities had never been imposed.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in and that the same was published in the official March 27, 1889. WILLIAM HIGGINS, *Secretary*

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## CHAPTER CLXXXIV.

## PUBLIC BUILDINGS IN MEADE COUNTY

AN Act relating to public buildings in Meade county, and action of the Board of County Commissioners in loc of said county.

WHEREAS, The board of county commissioner county have erected a jail for said county at a thousand dollars, and have located said jail upon ground in an addition to the city of Meade Center not a part of the county seat of said county as it is presently located, being three hundred feet distant and whereas, it is desired by said county to erect a jail on said ground, which is owned by said county: Therefore,

*Be it enacted by the Legislature of the State of Kansas*

SECTION 1. The action of the board of county commissioners of Meade county in locating the jail of said county hereby legalized, and the said jail shall be the same as if it had been located upon the ground as permanently located.

SEC. 2. Whenever said county desires to erect a jail it shall be lawful for the board of county commissioners of said county to cause the same to be erected on the ground of land upon which said jail is built.

SEC. 3. This act shall take effect and be in force after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in and that the same was published in the official Feb. 23, 1889. WILLIAM HIGGINS, *Secretary*

## CHAPTER CLXXXV.

## PUBLIC HIGHWAYS—PROVIDING FOR THE OPENING.

AN ACT declaring all section lines in the counties of Sheridan and Cheyenne, in the State of Kansas, public highways, and providing for the opening of the same.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all section lines in the counties of Sheridan and Cheyenne, in the state of Kansas, be and the same are hereby declared to be public highways, and to be of the width of sixty feet: *Provided*, This act shall not apply to any section in said counties where roads are now located and used through said section.

SEC. 2. If any part of the section lines in said counties shall be found to be impractical for highway purposes, the county commissioners shall have the power to alter or vacate any portion of the said section-line roads as in this act provided for whenever requested to do so by a petition, stating the reasons why said road should be altered or vacated, and signed by ten householders residing in the vicinity where said road is to be altered or vacated.

SEC. 3. The county commissioners of said county, on application in writing of ten freeholders residing in the town through which a road is to be opened, setting forth that the public convenience requires the opening of such road, may give notice thereof to the road overseer, who shall proceed under the provisions of the road law to open said road thirty feet on each side of said section line.

SEC. 4. If any person owning land on either side of such section lines as are herein declared public highways shall feel aggrieved by reason of the enforcement of this act in declaring section lines public highways, such person shall have the right to present his claim for damages for land appropriated for road purposes under the provisions of this act to the county commissioners of such county, as is provided in the present general road law now in force in this state, at any time within one year from the time such road is actually opened to public use over and upon his land: *Provided*, That no road be considered open to public use until notice has been



given by the board of county commissioners to the seer, as provided in section three of this act.

SEC. 5. That this act shall take effect and be in force after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in and that the same was published in the official Feb. 28, 1889. WILLIAM HIGGINS, *Secretary*

## CHAPTER CLXXXVI.

### PUBLIC HIGHWAYS IN REPUBLIC COUNTY

An Act declaring certain section-line roads in the county legal highways.

*Be it enacted by the Legislature of the State of Kan*

SECTION 1. That all section-line roads in the Republic, laid out and opened for public travel provisions of chapter 181, session laws of 1872, section-line roads, and which for the past seven (7) years have been open for public use and travel, or upon which road work or money has been applied and expended the past two (2) years, and which have been recorded as highways, and all other section-line roads in said county have been established and opened as public highways in the past seven (7) years, and recorded as such, are declared public roads and legal highways; and all damages arising from the establishment and opening of roads and highways are declared barred.

SEC. 2. This act shall take effect and be in force after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in and that the same was published in the official Feb. 23, 1889. WILLIAM HIGGINS, *Secretary*

## CHAPTER CLXXXVII.

### PUBLIC HIGHWAYS IN WICHITA COUNTY.

AN ACT relating to the opening of public highways in Wichita county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of the county of Wichita, of the state of Kansas, is hereby empowered to declare all section lines in said Wichita county as public highways upon petition as at present provided for by law, and that the publication of notices for and the viewing of said highways shall be dispensed with. Said highways shall be of the width of sixty feet, thirty feet on each side of the line.

SEC. 2. If any portion of said highways shall be found to be impracticable, the board of county commissioners of the said county of Wichita shall vacate the same when petitioned to that effect under the existing laws.

SEC. 3. Any person owning or having an interest in lands affected by this act, and feeling aggrieved by reason of the same, shall present his claim for damages accrued by reason of the establishment of any road hereunder to the board of county commissioners of said county by filing a verified statement in writing in the office of the county clerk of said county, wherein one year from the time the highway shall be ordered opened along claimant's land, or to be forever barred from presenting such claim. The said board of county commissioners shall hear and determine such claims for damages under the same rules as in other similar cases made and provided for the location of roads and highways: *Provided*, That the amount allowed for damages on such claims shall in no instance exceed double the assessed value of such land as returned on the assessment roll last returned prior to filing of said claim.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in  
and that the same was published in the official  
March 23, 1889. WILLIAM HIGGINS, *Secretary*

## CHAPTER CLXXXVIII.

### PUBLIC HIGHWAYS IN CERTAIN COUNTIES

AN ACT to amend an act entitled "An act declaring all sections of the counties of Graham, Rawlins, Nees, Lane, Stafford, Thomas, Sherman and Trego, in the State of Kansas, public highways," and to repeal section 1 of chapter 215, laws of 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter two hundred and fifteen, laws of 1887, be amended so as to read:  
Section 1. That all section lines in the counties of Lane, Decatur, Thomas, Sherman, Stanton, Edmond, Morton, in the state of Kansas, be and the same shall be declared to be public highways, and to be of the width of sixty feet: *Provided*, That the provisions of this act shall not apply to any section lines where there has been and now in use a road within not more than one-half mile each side of the said section line.

SEC. 2. That the said original section one of chapter two hundred and fifteen of the laws of 1887, and all other parts of acts in conflict with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in the office of the Secretary and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary*

## CHAPTER CLXXXIX.

## PUBLIC MONEY, RELATING TO.

AN ACT relating to public money, and amendatory of section one of chapter one hundred and thirty-one of the Session Laws of 1887.

*Be it enacted by the Legislature of the State of Kansas:*

Treasurer shall. SECTION 1. That section one of chapter one hundred and thirty-one of the session laws of 1887 be amended so as to read as follows: Section 1. That in all counties having a population of less than twenty-five thousand inhabitants, the county treasurer shall deposit daily all public money in some responsible bank or banks located at the county seat, to be designated by the board of county commissioners, in the name of said treasurer as such officer, which bank shall pay such interest on average daily balances as may be agreed upon by the board of county commissioners; and such bank or banks shall credit the same monthly to the account of said treasurer; and before making such deposits the said board shall take from such bank or banks a good and sufficient bond in a sum double the largest approximate amount that may be on deposit at any one time, conditioned that such deposits shall be promptly paid on the check or draft of the treasurer of said county; and such bank or banks shall on the first Monday of each month file with the county clerk a statement of the amount of money on hand at the close of business each day during the previous month, and the amount of interest accrued thereon to said date.

Bond.

Banks shall on.

SEC. 2. Section one of chapter one hundred and thirty-one of the session laws of (1887) eighteen hundred and eighty-seven is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXC.

## PUBLIC PARKS, CITY OF WICHITA.

AN ACT to enable the city of Wichita to purchase and improve lands for public parks.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the city of Wichita is hereby authorized to purchase, hold and improve lands for public parks.

SEC. 2. That in order to pay the purchase price of such lands, and to provide for the improvement of the same, said city may issue bonds bearing interest not to exceed six per cent. per annum, with coupons attached for semi-annual interest thereon, and payable at a time not to exceed twenty years from the date thereof, in such sums and amounts as may be prescribed by ordinance: *Provided*, That said city shall not issue bonds to an amount exceeding one hundred thousand dollars by virtue of this act: *And provided further*, That no lands for the purposes aforesaid shall be purchased by said city until the price to be paid therefor shall be authorized by a majority of the votes cast by the duly-qualified electors of said city at any regular election or at a special election to be held for that purpose, as regulated by ordinance.

SEC. 3. Said city shall annually levy a tax sufficient to pay the interest thereon, and, after ten years, an amount sufficient to create a sinking fund to pay the principal at maturity.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXCI.

### PUBLIC IMPROVEMENTS—COUNTY COMMISSIONERS OF CHEROKEE COUNTY TO PROVIDE A FUND.

AN Act to repeal chapter 125 of the Session Laws of 1887, the same being "An act to authorize the Board of County Commissioners of Cherokee county to provide a fund, and appropriate the same for public improvements in said county," approved March 2, 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That chapter 125 of the laws of 1887, approved March 2, 1887, and entitled "An act to authorize the board of county commissioners of Cherokee county to provide a fund, and appropriate the same for public improvements in said county," be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889.      WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CXCI.

### RAILWAY COMPANIES—RELATING TO AND GIVING ADDI- TIONAL POWERS TO RAILROAD COMMISSIONERS.

AN Act relating to railway companies, and giving additional powers to the Board of Railroad Commissioners, and prescribing certain duties and liabilities of railway companies.

*Be it enacted by the Legislature of the State of Kansas:*

Commissioners,  
duty of.

SECTION 1. It shall be the duty of the board of railroad commissioners, upon complaint and application by the mayor and council of any city, or the trustee of any township in this state requesting an order of said board to require any railroad

company in this state to construct any depots, switches, or other facilities at any point on the railroad, for the convenience and safety of the transaction of business with such railroad, and the of business between connecting or parallel railroad station, town or city in this state, to investigate complaint after giving proper notice to the railroad interested; and said commissioners after such examination make such orders as they deem necessary and provision to the construction and maintenance of such connections, switches, or side-tracks, as in the judgment of the board shall be necessary.

SEC. 2. If complaint shall be made by any railroad company in this state against any other railroad company in this state on account of failure, neglect or refusal to comply with the provisions of section nine of an act entitled "An act concerning railroads and other common carriers," approved March 6th, 1883, the board of railroad commissioners upon notice to said railroad company investigate the complaint, and thereupon make such order as in the judgment of the said board shall be just and reasonable for the parties interested, and may fix in such order a reasonable switch charge for any service required by such order, which charge shall be paid by the railroad company rendering the service, and shall not be added to the rate paid by the shipper or consignee interested in such shipment.

SEC. 3. The board of railroad commissioners may make such orders for the erection and maintenance of connections, construction of connections, side-tracks, and switches, and charges for switching between connecting or parallel railroad as hereinbefore provided for, as provided in section.

SEC. 4. For every neglect or refusal of any railroad company, corporation, receiver or person operating a railroad in this state to comply with any order of the board of railroad commissioners of this state made in pursuance of the foregoing provisions, the person or corporation so neglecting or refusing shall forfeit to the state of Kansas the sum of one hundred dollars for each and every day that any such order is neglected or disobeyed after the expiration of ten days from the date of service of notice on the president or officer, superintendent, any member of the board or

Provided.

or any station agent or person in charge of any office or station of such company, by the board of railroad commissioners or [of] the making of such order, to be recovered by civil action in the name of the state, which action shall be prosecuted by the attorney general in any county having jurisdiction: *Provided*, That upon good cause shown, the board of railroad commissioners may extend the time within which such order shall be complied with, to such an extent as in the opinion of the board, under the circumstances of the particular case, may be necessary or desirable.

SEC. 5. This act shall take effect and be and remain in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXCIIL.

### RAILROADS.—RELATING TO SWITCH CONNECTIONS.

AN ACT to amend section one of an act entitled "An act relating to switch connections at the crossings of railroads, and providing for their construction and maintenance," the same being chapter one hundred and thirty-three, Session Laws of 1886.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of an act entitled "An act relating to switch connections at the crossings of railroads, and providing for their construction and maintenance," the same being chapter one hundred and thirty-three, session laws of 1886, be and the same is hereby amended so as to read as follows: Section 1. That whenever in the judgment of the board of railroad commissioners it is necessary to the convenience or accommodation of the public that two or more railroads that cross or run parallel with each other should connect at or near the point of crossing or places of business along such railroad, for the transfer of cars from one road to an-



other, the board may require the construction switch connection between such railroads at the deemed necessary, in the following manner: Said railroad commissioners shall serve upon the companies whose roads it is deemed necessary to construct a copy of their finding and decision, in which shall be stated the character of connections to be built, and shall then be to construct such switch connections at the time as the said board shall prescribe; and the expense of the same shall be borne equally by the companies which connect or run parallel. If one of said companies constructs the whole of such switch, it may recover one-half of the same from the company whose duty it was to construct one-half of such switch.

SEC. 2. That all acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in the office of the Secretary of State, and that the same was published in the official state paper on March 16, 1889. WILLIAM HIGGINS, *Secretary*

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## CHAPTER CXCV.

### RAILWAY TRACKS ON STATE REFORMATORY (HUTCHINSON).

AN ACT in relation to the construction and maintenance of railway tracks over and upon the State Reformatory in the city of Hutchinson.

WHEREAS, Heretofore by the consent of the Indian Reformatory commissioners, appointed under an act of the legislature entitled "An act to provide for the location and management of a State Reformatory," approved March 7, 1885, the Atchison, Topeka & Santa Fé Railroad has constructed upon the State Reformatory grounds

city of Hutchinson, in the state of Kansas, certain railroad tracks: now, therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That there be and is hereby granted to the Atchison, Topeka & Santa Fé Railroad Company a right-of-way not greater than fifteen (15) feet on each side of the center line of its tracks as now constructed and existing upon the State Reformatory grounds near the city of Hutchinson, in the state of Kansas, upon which to forever maintain its tracks as heretofore constructed.

SEC. 2. That whenever hereafter, in the estimation and opinion of the Industrial Reformatory commissioners hereinbefore referred to, or the board of managers of the State Reformatory located near the city of Hutchinson, in the state of Kansas, it shall be deemed desirable for any railroad company to construct over and upon said State Reformatory grounds any tracks, side-tracks or switches for the more convenient management of said reformatory institution, it shall be lawful for said commissioners or board of managers to grant to such railroad company the right to construct such additional tracks, side-tracks, or switches, subject to the approval of the governor of the state of Kansas. Whenever said permission shall have been granted by said commissioners or said board of managers, and the same shall have been approved by the governor of the state of Kansas, such railroad company shall have the right and authority to construct and forever operate and maintain such tracks, side-tracks, or switches.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 22, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXCIV.

KANSAS & SOUTHWESTERN RAILWAY TO REMOVE CERTAIN  
TRACK.

AN ACT to authorize the Kansas & Southwestern Railway Company to take up and remove the track of their line of railroad, west from Iuka, Kansas, and construct and operate a line of railroad south from said town of Iuka to Pratt, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The Kansas & Southwestern Railway Company is hereby authorized to take up and remove the ties, railings, bridges, and material used in the construction of their railroad in Iuka township, west from the present location of the depot, on said line of railroad in Fairmount addition to the town of Iuka, Pratt county, Kansas, and extend their said line of railroad from said Fairmount addition to the town of Iuka, by constructing a continuous line of railroad south to Pratt, Kansas.

SEC. 2. That before said railway company shall take up and remove said railroad track and material, the same shall be authorized by a majority of all the votes cast at an election held in said Iuka township, which election shall be called by the board of county commissioners of said county upon the taking effect of this act, and held and conducted in all respects as now provided by law for holding elections in townships for the purpose of aiding in the construction of railroads.

SEC. 3. This act shall take effect and be in force from and after its passage, and publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CXCVI.

RAILROADS—PROVIDING FOR CONSOLIDATION AND  
EXTENSION OF.

AN ACT to amend section one (1) of chapter ninety-two (92) of the Session Laws of 1870, being entitled "An act to provide for the consolidation and extension of railroads in the State of Kansas."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of an act to provide for the consolidation and extension of railroads in the state of Kansas, approved March first, eighteen hundred and seventy, be and the same is hereby amended to read as follows: Section 1. Any two or more railroad companies in this state, existing under general or special laws, and owning connecting lines of railroad in this state, or lines of railroad constructed wholly or in part, which when completed will connect with each other, and any railroad company organized as aforesaid and any railroad company duly organized and existing under the laws of any other state or territory, whose lines of railroad shall connect at the state line, are hereby authorized to consolidate and form one company owning and controlling such connected line or lines of railroad, with all the rights, powers, privileges and immunities and subject to all the obligations and liabilities to the state which belonged to or rested upon either of the companies making such consolidation. In order to accomplish such consolidation, the companies may enter into contract fixing the terms and conditions thereof, which shall first be ratified and approved by parties representing two-thirds of all the stock held in each company proposing to consolidate, at a meeting of the stockholders of said companies called for that purpose, or by the approval in writing of the persons or parties holding and representing two-thirds of such stock; and when so ratified and approved, and a name for the consolidated company shall have been adopted by agreement of the contracting parties, or by the board of directors of the consolidated company, a certified copy of such articles of agreement, with the corporate name to be assumed, shall be filed with the secretary of state, when the consolidation shall be considered duly consummated, and a certified

copy from the office of the secretary of state shall be conclusive evidence thereof, and such consolidation shall then and thereafter be a corporation of Kansas. The boards of directors in the several companies may, upon the said approval and filing as aforesaid, proceed to carry out such contract in accordance with its provisions, calling in the certificates of stock standing in the several companies, and issuing stock in the new consolidated company under such name as may have been adopted.

SEC. 2. The original section 1 of said act, of an amendatory nature, is hereby repealed.

SEC. 3. This act shall take effect and be in force after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in the office of the secretary of state, and that the same was published in the official state paper on March 9, 1889. WILLIAM HIGGINS, *Secretary*

## CHAPTER CXCVII.

TOPEKA SUBURBAN RAILROAD CO. GRANTED RIGHT-OF-WAY.  
AN ACT granting right-of-way to the Topeka Suburban Railroad Company.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the right-of-way, 100 feet wide, surveyed, is hereby granted to the Topeka Suburban Railroad Company over the southwest corner of the lot of the Columbian grounds, at Topeka, Kansas: *Provided*, That the area be deeded to the state in lieu thereof.

SEC. 2. That the governor is hereby authorized to grant to said railroad company all the ground south of the line of said right-of-way when the board of trustees of said charitable institutions shall have certified to him that said railroad company has conveyed other lands to the state of Kansas, acceptable to said trustee, in lieu thereof.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CXCVIII.

### REDEMPTION OF LANDS OF MINORS, IDIOTS, AND INSANE PERSONS.

AN ACT relating to the redemption of lands of minors, idiots, and insane persons, and amendatory of section 132 of chapter 34 of the laws of 1876.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one hundred and thirty-two (132) of chapter thirty-four (34) of the session laws of 1876, being an act to provide for the assessment and collection of taxes, be amended so as to read: Section 132. In order to make redemption of lands of minors, idiots or insane persons after the execution of a tax deed, such minor, idiot, or insane person, or some person in his behalf, shall pay to the county treasurer the sum for which such lands were sold and the cost of the tax deed and the recording of the same, with interest thereon at the date of such sale to the date of the deed at the rate of eighteen per cent. per annum, and interest from the date of the deed to the date of redemption at the rate of twelve per cent. per annum, and other taxes, costs and charges which shall remain unpaid on such lands at the time of making such redemption, assessed thereon subsequent to the date of the assessment of the taxes for which the same was sold, and all other taxes assessed subsequent to the date last aforesaid which shall have been paid by the person to whom said lands were sold, or any other person claiming under him, with interest thereon at the rate of twelve per

cent. per annum from date of such payment, so far as such payment can be ascertained from the books and records in the office of such treasurer; and for all moneys so paid the treasurer shall give a certificate of redemption to the person making such payment. From the time of making the redemption hereinbefore provided the deed given upon the sale shall be void as against such minor, idiot, or insane person, and all persons claiming under him.

SEC. 2. Section one hundred and thirty-two, chapter thirty-four, of the session laws of 1876, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CXCIX.

### RELEASE OF PERSONS FOR FAILURE TO PAY FINE OR COSTS.

AN ACT to amend section one of "An act relating to the release of persons confined for failure to pay any fine or costs, and amendatory of section 1 of chapter 147 of the Session Laws of 1871."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-one be and the same is hereby amended so as to read as follows: Section 1. That any person imprisoned for failure to pay any fine or costs, except fines and costs imposed for violation of the prohibitory laws of this state, may be discharged from imprisonment by the board of county commissioners of the county where conviction took place, on presentation of a petition for that purpose signed by not less than one hundred *bona fide* tax-payers of the county, and upon the recommendation of the

judge or justice of the peace before whom the conviction was had, together with satisfactory proof to them that said person is unable to pay the same: *Provided*, Said discharge shall not discharge or release said person from his liability to pay said fine and costs; but the same may at any time thereafter be collected by execution, as on judgments in civil cases.

SEC. 2. That section one of chapter one hundred and seventeen of the laws of eighteen hundred and seventy-one, and all acts and parts of acts in conflict with this act, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 26, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CC.

### RELIEF OF JOHN HALL.

#### AN ACT for the relief of John Hall.

WHEREAS, The sum of one hundred and thirty-five dollars of the money of Ashland township, Riley county, Kansas, was destroyed by fire by the burning of the house of John Hall, the treasurer of said township:

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That John Hall, treasurer of Ashland township, Riley county, state of Kansas, is hereby released from all liability to Ashland township, Riley county, Kansas, for the amount of one hundred and thirty-five dollars.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER CCI.

### RELIEF OF A. D. MOON.

AN ACT for the relief of A. D. Moon, assignee of William Kelley.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That there is hereby appropriated to A. D. Moon, assignee of William Kelley, the sum of one hundred and four dollars (\$104) as principal, and the sum of twenty-six dollars and thirty-eight cents (\$26.38), being the interest at 7 per cent. per annum on the above principal sum from June 16th, 1885, to February 1st, 1889; the amount of principal mentioned in this section to be paid out of the permanent school fund, and the amount of interest to be paid out of the annual school fund now in the treasury of the state of Kansas.

SEC. 2. The school-fund commissioners are hereby authorized and directed to issue their warrants upon the state treasurer for the amounts specified in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 26, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCII.

### RELIEF OF MATHIAS GINSBACH.

AN ACT for the relief of Mathias Ginsbach.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That there is hereby appropriated out of any money in the treasury belonging to the permanent school fund not otherwise appropriated, the sum of two hundred (200) dol-

lars and ninety-eight cents, being the amount wrongfully paid as first installment and two years annual interest on purchase-money, on the west half of the southeast quarter of section four (4), township seven (7) south, of range ten (10) west, in Mitchell county, Kansas, together with interest on eighty dollars, first installment, from April twenty-fourth, A. D. 1885, and interest on forty-three dollars and twenty cents from April twenty-fourth, A. D. 1886, and interest on forty-three dollars and twenty cents from April twenty-fourth, A. D. 1887, at the rate of seven per cent. per annum.

SEC. 2. The commissioners of the school fund are hereby authorized and directed to issue their warrant on the state treasurer for the amount, and payable out of the funds as provided in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCIII.

### RELIEF OF PEOPLE OF RUSH COUNTY, AND LEGALIZING A CERTAIN COUNTY-SEAT ELECTION.

AN ACT for the relief of the people of Rush county by validating and legalizing a certain county-seat election.

WHEREAS, On the 27th day of February, 1877, an election was held for permanently locating the county seat of Rush county, and the same was located at the town of La Crosse, in said county, by vote of the people; and

WHEREAS, A subsequent election was held on the 12th day of February, 1878, and subsequently to said last-mentioned election litigation was begun to determine the result thereof; and

WHEREAS, By certain proceedings thereafter instituted cer-

tain orders were made directing the officers of Rush county to hold their offices at the town of La Crosse as the lawfully-chosen county seat of said county; and

WHEREAS, Said town of La Crosse remained the county seat of said county until the 10th day of July, 1887, when, upon a proceeding instituted in the court of the state of Kansas, the town of Walsburg was declared to be the legally-chosen county seat of said county by virtue of the election held on the 12th day of July, 1878; and

WHEREAS, Pending said proceeding the board of county commissioners of Rush county, upon a petition presented, did on the 19th day of July, 1887, duly call an election to be held in the county of Rush for the purpose of submitting and to submit to the qualified electors of said county the question of the relocation of the county seat of the said county of Rush, which said petition proposed that said proposition be submitted to the people of the said county of Rush to remove and relocate the county seat of said county and to permanently locate the same at La Crosse, Kansas; and

WHEREAS, Said election was duly called, and held on the twenty-third day of August, 1887, and the result of said election made to said board of county commissioners as required by law; and

WHEREAS, Said board of county commissioners of Rush county enjoined from canvassing the vote of said election, and did not canvass the same until said injunction was dissolved by consideration of the district court of Rush county on the twenty-ninth day of May, 1888; and

WHEREAS, Said board of county commissioners of Rush county upon duly canvass the returns of said election, and announced the result, to wit: That the proposition to remove and permanently relocate said county seat at the town of La Crosse had received more than three-fifths majority of the votes cast at voting at said election, and did thereupon, as required by law, duly proclaim said town of La Crosse to be the county seat of said county, and ordered the county officers of said county to remove their said offices to said town of La Crosse, and to hold said offices at said place; and

WHEREAS, Said canvass and proclamation of said county commissioners was generally and cheerfully

in by the people of said county, and afterwards, to wit, on the tenth day of July, 1888, upon a proposition duly submitted by said board of county commissioners to vote bonds to construct a court house at the town of La Crosse, in said county, in the amount of twenty thousand dollars, said election was duly held, and almost two-thirds of the voters voting at said election voted in favor of issuing said bonds; and

WHEREAS, Said bonds were afterwards duly issued and registered by the auditor of state, and sold and transferred, and the funds arising from the sale of the same were thereupon, under contract duly made with said board of county commissioners, expended in the erection of a court house in said town of La Crosse; and

WHEREAS, There is now erected, constructed and finished in said town of LaCrosse, a court house of said county at a cost of twenty thousand dollars to the people of said county; and

WHEREAS, It is desirable for the best interests of said county that all conflict and contest with reference to the permanent location of said county seat as resulting from said election shall be settled, determined and set at rest, it appearing that thousands of dollars have already been expended by said county in county-seat contests, and the time, energies and money of the people of said county have been wasted in fruitless contests; and it further appearing that a large majority of the people of Rush county are satisfied and contented with the location of said county seat at LaCrosse, and are unwilling that the bitterness and useless and lavish expenditure of money in a contest shall be further prolonged: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the said election held in pursuance of said call on the 23d day of August, 1887, be and the same is hereby in all respects legalized and made valid, and the canvass, returns and proclamation of the said board of county commissioners as a canvassing board in that behalf are hereby in all respects legalized and confirmed.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCIV.

### RELIEF OF J. G. SEELY.

AN ACT for the relief of J. G. Seely.

*Be it enacted by the Legislature of the State of K*

SECTION 1. That J. G. Seely is hereby restored possession of the southeast quarter of section six ship number twenty-six south, of range number west of the sixth principal meridian, in Kansas. The said J. G. Seely shall pay the full amount due on the land herein described, together with which may be due at the time this act takes effect. The treasurer of Edwards county is hereby authorized to receive the amount due, and the county clerk of Edwards county is required to make the proper indorsement on the certificate of purchase the same as if the land had been reported forfeited.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in the office of the Secretary of State, and that the same was published in the official state paper on March 2, 1889.

WILLIAM HIGGINS, *Secretary*

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## CHAPTER CCV.

### REPRESENTATIVE DISTRICTS IN WYANDOTTE COUNTY DEFINED.

AN ACT to define Representative districts in the county of Wyandotte.

*Be it enacted by the Legislature of the State of Kansas*

SECTION 1. Until the next apportionment for Representatives, the city of Kansas City, in Wyandotte county,

the third ward,) shall constitute the tenth representative district, and the third ward of Kansas City, the townships of Shawnee, Wyandotte, Prairie, Quindaro, and Delaware, in the county of Wyandotte, shall constitute the eleventh representative district.

SEC. 2. That section 3 of chapter 16, laws of 1886, so far as the same is in conflict herewith, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCVI.

### REGISTRATION OF VOTERS, ETC.

AN ACT to provide for and regulate the registration of voters; to regulate elections, and to provide for the appointment of a Commissioner of Elections in certain cities of the first class.

*Be it enacted by the Legislature of the State of Kansas:*

Board of supervisors of elections.

SECTION 1. That in cities of the first class where the metropolitan-police law is or may be in force, and where more than 6,000 votes were cast at the general election in November, 1888, or shall be so cast at any future general election, the members of the board of police commissioners and a commissioner of elections, to be appointed as hereinafter provided, shall constitute a board of supervisors of elections, of which the president of the board of police commissioners shall be president and the commissioner of elections shall be secretary.

Duties of board.

The board of supervisors of elections shall have full and complete control of all elections; they shall have a sufficient and suitable office, which shall be in charge of the commissioner of elections, and shall be kept open daily except Sundays and holidays; they shall divide each ward of the city into one or more election precincts so as to limit the number of voters in

each precinct to three hundred male electors, as nearly as may be practicable, from time to time, but no change of the boundary of any precinct shall be made within thirty days prior to any general election; they shall appoint the places of holding elections in each precinct and hire suitable rooms for such purposes, and also for their own office, if none is provided by the city, at such rents as they deem just; they shall provide Meals. one meal at noon and one meal at the close of the polls on election day, for each judge and clerk of election, in the room at which the election is held; they shall appoint three judges Judges, duties of. and two clerks of election for each election precinct from the number of qualified and registered electors of the precinct in which each shall serve, at least ten days prior to each election, who shall appear at the office of the commissioner of elections, before six o'clock P. M., five days preceding the election for which they were appointed, to take the oath of office and qualify as judges and clerks for such election; and on failure of any elector so appointed, to appear and qualify before said time expires, the board of elections shall immediately fill such vacancies from the qualified electors of the precinct in which such vacancy occurs; and all such judges and clerks so appointed shall qualify immediately, and all vacancies shall be filled by six o'clock P. M. three days preceding such election. The commissioner of elections shall have power to administer Oaths. the oaths to the judges and clerks of election. In case any judge or clerk of election shall fail to appear at the hour of opening the polls on the morning of the day of election, the judge and clerks present shall immediately proceed to fill the vacancy or vacancies from the qualified electors of the precinct; and any judge or clerk shall have power to administer the oath of office to the person or persons so selected.

SEC. 2. The governor of the state shall appoint for each Governor shall appoint. city of the first class to which the provisions of this act apply, immediately upon the going into effect of this act, a commissioner of elections, who shall hold his office for the Term of. term of four years and until his successor is appointed and qualified; but he may for official misconduct be removed by May remove. the governor; the governor shall appoint his successor for the same term of years; and in case of death, resignation or removal of the commissioner of elections, the appointment shall be for the unexpired term. Such commissioner of elections Commissioner, qualification. shall be a qualified elector and householder of such city at least

Salary.

Duty of.

three years next prior to his appointment; and he shall, before entering upon his duties, take and subscribe and cause to be filed in the office of the secretary of state an oath of office for the faithful discharge of duty, within ten days after receiving official notice of his appointment. The annual salary of the commissioner of elections shall be twelve hundred dollars, and shall be paid monthly out of the city treasury in like manner as the salaries of other city officers. He shall, subject to the control of said board of elections, keep a full and true record of their proceedings, file and preserve in his office all orders, rules and regulations in anywise pertaining to the administration of registration and elections; he shall prepare and furnish all the registers, books, maps, forms, oaths, certificates, instructions and blanks, and all other necessary supplies for the use and guidance of judges and clerks of the elections; he shall have custody and control of all registers, records, papers and certificates of every kind relating to registration and to the conduct of elections, on file in his office, subject only to the inspection of the board of supervisors of elections; he shall also have the care of the ballot-boxes while deposited at the office of such board of supervisors of elections, and he shall perform all such other and further duties pertaining to the office.

Commissioner  
shall proclaim.

SEC. 3. The commissioner of elections shall proclaim the boundaries of all the wards and the election precincts in such city by publication in the official paper of the city for four consecutive weeks immediately after such precincts are established, or immediately after any changes are made, and also during the month of January of each year; he shall also provide a sufficient number of maps showing the division of the city into wards as made by the council, and the subdivision of the wards into precincts as made by the board of supervisors of elections, one of which he shall post in his office and one at each of the polling-places in each of the precincts of the city.

City clerk.

SEC. 4. It shall be the duty of the clerk of each city of the first class to which the provisions of this act apply, within twenty-four hours after demand therefor has been made by the commissioner of elections, to certify to said commissioner of elections the ward boundaries of the city; and it shall be the duty of the clerk of such city to certify to the commissioner of elections any and all changes that are made in the



boundaries of any ward and all wards of the city, within twenty-four hours after any change has been made. No change in the boundaries of any ward in any city of the first class to which the provisions of this act apply, shall be made within forty days prior to any general election.

SEC. 5. No person shall be registered in any city to which Registered. the provisions of this act apply, unless he appear in person before the commissioner of elections at his office, or at some place in each precinct to be designated by the commissioner of elections by publication in the official paper of the city, during usual office hours, or at such hours as may be designated in the notice aforesaid, and shall apply to be registered. Registration at any other place shall be fraudulent and illegal. The commissioner of elections is hereby empowered to administer all necessary oaths, to examine the applicant for registration, or any witness he may offer in his behalf, in order to ascertain his right to be registered, to make the proper entry in the poll-books under the provisions of this act. If the applicant for registration will be entitled to vote at the next ensuing election he shall be entitled to registration, and the commissioner of elections shall enter the name of said applicant on the poll-books, and give said applicant a certificate of registration; and if the answers of such applicant are not satisfactory to such commissioner of elections, such applicant shall not be registered. Any person who shall be refused a certificate of registration, or is not allowed to have his name entered on the poll-books by the commissioner, shall have a right to appeal to the board of supervisors of elections at any meeting of said board, and if three members of said board decide that said applicant shall have a right to vote at the next ensuing election, the name of such applicant shall be entered on the poll-books by the commissioner of elections; otherwise he shall not be registered. Not later than the day To revise. following the closing of the poll-books the board of supervisors of elections shall meet at the office of the commissioner of elections to revise the registration of voters in the different precincts of the city to hear all cases of appeal from the commissioner of elections, notice in writing of the intent to take such appeal having been filed with the commissioner of elections before the closing of the poll-books; to strike off the poll-books the names of all persons who have fraudulently or erroneously registered, upon sufficient evidence of that fact

having been presented to said board, and provided notice of such intended cancellation of registration having been served by some police officer of the city on the person whose name is to be taken from the poll-books, or by leaving a copy of such notice at the place from which such person has registered. They shall have power to adjourn from day to day until seven days preceding such election, when their adjournment as a board of revision of registration shall be final. Notice of such meeting shall be given by the commissioner of elections by publication in the official paper of the city for two consecutive weeks, the final publication to be made before the date of such meeting.

To adjourn.

Notice.

Make copy of.

SEC. 6. It shall be the duty of the commissioners of elections to make a complete copy of the poll-books of each precinct, containing all the names registered to within twenty-two days prior to the day of election, and to keep the same open for public inspection from twenty days prior to such election to within ten days prior to such election, when the commissioner of elections shall take said copies so made and insert the names of all subsequent entries of registration made to the closing of the poll-books at least three days prior to each election, when said copies shall again be open for public inspection.

Female electors.

SEC. 7. Separate poll-books shall be kept for each precinct for all female electors, and copies of such poll-books shall be made separately; and such copies shall be subject to public inspection prior to elections only at which such female electors shall be entitled to vote. The commissioner of election shall keep a separate series of numbers for the registration of female electors.

SEC. 8. It shall be the duty of the commissioner of elections immediately upon the close of and revision of the poll-books preceding any election to be held in said city, to prepare a true and correct copy of the said poll-books, certified to by him to be such copy, and in time for the opening of polls as provided by law; to have said copies at the voting precincts of the respective wards, and deliver a copy or copies for such precinct or ward to one of the judges of said election, and take his receipt therefor.

SEC. 9. At every such election one of the judges of elections shall as each registered person votes enter on the said certified copy in the check-line opposite the name of such person,

the word "Voted;" said certified copy to be returned to the commissioner of elections after said election, and by him preserved.

SEC. 10. The judge and clerks of election in every precinct, as soon as the ballots have been counted and tallied and the clerks have ascertained the number tallied for each candidate, shall make out and certify a summary statement of the number of votes cast therein, and the number counted and tallied for each candidate, and dispatch the same by a special messenger sworn for that purpose, and in a sealed envelope, to the commissioner of elections at his office. The judges of election shall also, as soon as the result has been ascertained, announce it to the commissioner of elections from the nearest police or fire station, or from a telegraph or telephone station if nearest to them. At the request of any of the persons designated to witness the counting of the ballots, the judges and clerks of election shall also sign and deliver to him a certificate containing the same statements as required to be made to the commissioner of elections.

Clerks, duties of.

SEC. 11. The board of elections shall convene in session at their office at seven o'clock P. M. on the day of every election in such cities, and remain in session continuously until the statements giving the result of the election, as required above, shall have been received from every precinct in such city by the commissioner of elections and laid before said board. The board shall have power to employ messengers, to use the telephone and telegraph, direct the police force of the city, and use any other lawful means to secure prompt and correct reports from the election judges as above required. The police authorities shall assign at least one policeman to duty in each precinct on every day of an election. All costs and expenses shall be paid by the city for which they are incurred, upon vouchers verified by the commissioner of elections.

Board of elections shall convene.

Police.

SEC. 12. That all the duties devolving upon the city clerk in said act entitled "An act to provide for and to regulate the registration of voters in cities of the first and second class, and to repeal all prior acts in relation thereto," approved March 11, 1879, shall devolve upon and be performed by the commissioner of elections in all cities of the first class to which the provisions of this act apply.

SEC. 13. All acts or parts of acts in conflict herewith be

and the same are hereby repealed; but it is hereby expressly provided that an act entitled "An act to provide for and to regulate the registration of voters in cities of the first and second class and to repeal all prior acts in relation thereto," approved March 11, 1879, in so far as said act relates and applies to cities of the first class to which the provisions of this act do not apply, and to cities of the second class, shall in no wise be affected by this act, and shall be and remain in full force and effect, and that all of said act entitled "An act to provide for and to regulate the registration of voters in cities of the first and second class, and to repeal all prior acts in relation thereto," not in conflict with this act, shall apply to the cities of the first class to which this act applies.

Cities of second class.

All entries of.

SEC. 14. All entries of registration made by the clerk of each city of the first class to which the provisions of this act apply since the first Monday of January, 1889, and prior to the taking effect of this act, shall be valid, and the records of such registration and all papers connected therewith shall be delivered by the city clerk to the commissioner of elections on demand thereof. All such entries of registration shall be subject to revision by the board of supervisors of elections, as is provided for in this act, for all registration by the commissioner of elections.

SEC. 15. No notice by publication or furnishing of copies of poll-books for public inspection, as provided for in this act, shall be required of the commissioner of elections prior to the regular city election in April, 1889.

Boundaries of.

SEC. 16. No change in the boundaries of any ward or precinct in any city of the first class shall be made prior to the regular city election in April, 1889.

Commissioner may.

SEC. 17. The commissioner of elections may appoint deputies; and shall be allowed for clerk hire an additional sum, not to exceed eight hundred dollars, said sum to be fixed by the board of supervisors of elections.

Seal.

SEC. 18. The commissioner of elections shall procure a seal of office, properly inscribed, and shall authenticate all his official acts therewith.

SEC. 19. That in any city of the first class where more than 6,000 votes were or may be cast as specified in section 1 of this act, but where the metropolitan-police law is not in force, a commissioner of elections shall be appointed as previously provided; and it shall be his duty to appoint one

councilman from each ward who shall act as a board of supervisors of elections, to be confirmed by the council, whose duties as such supervisors shall be identical in every respect with those prescribed for such supervisors in cities where the metropolitan-police law is in force.

SEC. 20. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 13, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCVII.

### REVENUE—TO PROVIDE FOR.

AN ACT to provide revenue for the fiscal years ending June 30, 1890, and June 30, 1891.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That for the purpose of raising revenue to defray the current expenses of the state government and to pay the interest on the bonds of the state, there is hereby levied and the proper officers shall collect a tax upon all property of the state subject to taxation, as follows: For current expenses or the fiscal year ending June 30, 1890, three and four-tenths mills, and for the fiscal year ending June 30, 1891, three and four-tenths mills; for the payment of interest, two-tenths of one mill on the dollar for each year.

SEC. 2. The sum of thirty-six thousand one hundred and twenty dollars and thirteen cents is hereby set apart and appropriated out of the general revenue fund so raised to pay the maturing certificates of audited claims for raid losses issued under authority of chapter one hundred and eighty of the session laws of eighteen hundred and eighty-seven; and all interest coupons attached to all such certificates of audited

claims for raid losses shall be paid out of the interest fund raised by virtue of this act.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCVIII.

### RICHLAND TOWNSHIP, MIAMI COUNTY, AUTHORIZED TO BUILD CERTAIN BUILDINGS.

AN ACT to authorize and empower Richland township, in Miami county, to purchase or lease site and erect and maintain thereon buildings for said township, and provide for the payment of the same.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the township of Richland, in the county of Miami, by its proper officers, is hereby authorized and empowered to buy or lease in the name of said township not exceeding two acres of ground, at some point convenient and accessible to its inhabitants, and to erect thereon suitable buildings for the use of the township, and to make all necessary contracts for the purchase or lease of said land, and for the erection and maintenance of said buildings, and for the payment of the same, and shall have the management and control thereof, and make report and statement of said business in accordance with the general laws of the state regulating other township business.

SEC. 2. That said officials are hereby authorized and empowered, for the purpose mentioned in section one of this act, to appropriate from time to time so much of the accumulated township funds in the treasury as may not be otherwise appropriated: *Provided*, That the entire amount expended for the purchase of said lands and the erection of said buildings shall not cost more than twelve hundred dollars (\$1,200).

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCIX.

### RICHMOND TOWNSHIP, NEMAHA COUNTY, AUTHORIZED TO ERECT BUILDINGS.

AN ACT authorizing Richmond township, in Nemaha county, Kansas, to lease or purchase land not to exceed one acre, and erect buildings thereon.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the township of Richmond, in the county of Nemaha, by its proper officials, is hereby authorized and empowered to purchase or lease in the name of said township not exceeding one acre of ground at some point convenient and accessible to its inhabitants, and erect thereon suitable buildings for the use of said township, and to make all necessary contracts for the purchase or lease of said land, and the erection and maintenance of said buildings, and for the payment of the same; and shall have the management and control thereof, and make report and statement of said business in accordance with the general laws of the state regulating other township business.

SEC. 2. That said officials are hereby authorized and empowered, for the purpose mentioned in section one of this act, to appropriate from time to time so much of the accumulated township funds in the treasury as may not be otherwise appropriated: *Provided*, That the cost to said township for the purchase or lease of said land and for the construction of said buildings shall not exceed twelve hundred dollars.

SEC. 3. That the location of said hall shall be determined by the voters of said township.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCX.

### RELEASE CERTAIN LANDS FROM RUSH CENTER; RESTORING TO CENTER TOWNSHIP, RUSH COUNTY.

AN ACT to release certain lands from the corporate limits of Rush Center, and restoring the same to Center township, Rush county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following real estate, to wit, the northwest quarter of the southeast quarter and the northeast quarter of southwest quarter of section number twenty-seven (27), in township number eighteen (18) south, of range number eighteen (18), west of the sixth principal meridian, Kansas, is hereby released from within the corporate limits of Rush Center.

SEC. 2. That the real estate described in section 1 of this act is hereby restored to Center township, Rush county, Kansas.

SEC. 3. That the corporate lines of Rush Center are hereby made to conform with the provisions of section 1 of this act.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 22, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER CCXI.

### SALARIES OF CERTAIN OFFICERS OF CLOUD COUNTY.

AN ACT regulating the salaries of the County Clerk, County Treasurer and Register of Deeds of Cloud County.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The county treasurer of Cloud county shall be Treasurer.  
allowed by the board of county commissioners as full com-  
pensation for his services the sum of two thousand eight hun- Sum of.  
dred dollars per annum. Said sum shall be paid out of the  
county treasury in quarterly installments, upon the order of  
the board of county commissioners: *Provided*, That the Proviso.  
amount collected by said county treasurer as fees under exist-  
ing laws for the preceding quarter shall first be deducted from  
said quarterly installment.

SEC. 2. The county clerk of Cloud county shall be allowed County clerk.  
by the board of county commissioners as full compensation  
for his services the sum of two thousand dollars per annum. Sum of.  
Said sum shall be paid out of the county treasury in quarterly  
installments, upon the order of the board of county commis-  
sioners: *Provided*, That the amount collected by said county Proviso.  
clerk as fees under existing laws during the preceding quarter  
shall be deducted from said quarterly installment.

SEC. 3. The register of deeds of Cloud county shall receive Register of deeds.  
as full compensation for his services such fees as are now  
provided by law: *Provided, however*, That he shall keep an  
accurate account of all fees charged by him, and if in any one  
quarter of the year he shall receive more than six hundred  
dollars he shall turn one-half of such excess over to the  
county treasurer of said county, taking duplicate receipts  
therefor, one of which he shall file with the county clerk; and  
such money shall become a part of the general county fund.

SEC. 4. Every officer above named whose duty it is to keep Officers, duty of.  
an account of fees as hereinbefore prescribed shall make a  
return thereof, verified by his affidavit, and file the same with  
the county clerk of said county at the end of each quarter;  
and any officer neglecting or refusing so to do shall be deemed  
guilty of a misdemeanor, and upon conviction shall be pun-

ished by a fine not to exceed five hundred dollars; and no salary or part thereof shall be paid until such report has been made.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXII.

### SALINA—DETACH CERTAIN TERRITORY FROM CITY OF.

AN Act authorizing the County Superintendent of Public Instruction of Saline county to detach certain territory from the city of Salina, and to attach the same to adjoining school districts.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the county superintendent of public instruction for the county of Saline is hereby authorized to detach such territory from the city of Salina and attach the same to adjoining school districts, as the interest of the inhabitants of such territory and the adjoining districts may require: *Provided*, That such action shall only be taken by said superintendent upon petition of a majority of tax-payers of said territory so to be detached.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 28, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXIII.

### SCHOOL DISTRICT NO. 36, DAVIS COUNTY.

AN ACT to declare the organization of School District No. 36, of Davis county, Kansas, dissolved.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the organization known as School District No. 36, of Davis county, Kansas, is hereby dissolved; and the county superintendent of public instruction for said county is authorized to make such disposition of the territory comprising said district as in his judgment may seem best.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889. WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCXIV.

### SCHOOL DISTRICT NO. 17, HARPER COUNTY.

AN ACT to authorize School District No. 17, in Harper county, to vote for and issue school bonds for the purpose of paying for a school building and site now in use in said district and owned by said district.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the proper school officers of said school district number seventeen, in Harper county, be and they are hereby authorized to call a meeting of the qualified voters of said school district at any time after the 15th day of March, 1889, at which school meeting there shall be submitted to such voters the question of issuing the school bonds of said school

district, not exceeding the sum of one thousand dollars, for the purpose of paying for the school building now erected and in use in said school district, and the site thereof.

SEC. 2. That if a majority of the voters voting at such school meeting shall authorize the issue of school bonds for the purpose aforesaid, the school officers of said district may issue and dispose of said bonds for the payment of and for said school building and site, in the manner provided by law for the issuing and disposing of school bonds for such purposes; and such bonds shall be made payable and shall bear the same rate of interest in the manner provided by law for such bonds, and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 8, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXV.

### SCHOOL DISTRICTS NOS. 18 AND 30, PRATT COUNTY.

AN ACT to change the boundary-lines of School Districts Nos. 18 and 30, in Pratt county, and to authorize the Treasurer of Pratt county to pay certain money to School District No. 30, and instructing the Superintendent of Public Instruction to apportion State money, and to provide for payment of principal and interest on outstanding bonded indebtedness of School District No. 18.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the boundary-lines of School District No. 18, in the county of Pratt, be changed by detaching from said school district the east one-half of section number 34, township 27 south, of range 13 west, and the east one-half of sections numbers 3 and 10, and northeast one-fourth of section number 15, township 28 south, of range 13 west.

SEC. 2. That the boundaries of School District No. 30, in

the county of Pratt, be changed by attaching thereto the east one-half of section 34, township 27 south, of range 13 west, and the east one-half of sections numbers 3 and 10, and north-east one-fourth of section number 15, township 28 south, of range 13 west.

SEC. 3. That the real estate detached from School District No. 18 by section one of this act shall in no wise be exempt from taxation to pay the principal and interest of any outstanding bonded indebtedness of said School District No. 18.

SEC. 4. That the treasurer of Pratt county is hereby authorized and instructed to pay to the treasurer of School District No. 30, of Pratt county, any money now in his hands or that may be received from taxes levied for the year 1888, on the real estate and personal property thereon, attached to School District No. 30 by the provisions of section 2 of this act, the same as if said property had been returned for taxation in said District No. 30.

SEC. 5. That the superintendent of public instruction of Pratt county is hereby authorized and instructed to apportion the state school fund as though said boundary-line had existed, as provided by this act on May 31, 1888.

SEC. 6. That this act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXVI.

### SCHOOL DISTRICT NO. 99, RENO COUNTY.

AN ACT to authorize School District No. 99, in Reno county, to vote and issue school bonds for the purpose of building a school house in the city of Arlington.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the proper school officers of school district No. 99, in Reno county, be and they are hereby authorized to

call a meeting of the qualified voters of said school district at any time after the fifteenth day of March, A. D. 1889, at which school meeting there may be submitted to such voters the question of issuing the school bonds of said school district, not exceeding the sum of one thousand dollars, for the purpose of building a school house in the city of Arlington.

SEC. 2. That if a majority of the voters voting at such school meeting shall authorize the issue of school bonds for the purpose aforesaid, the school officers of said district may issue and dispose of said bonds for the building of said school house, in the manner provided by law for issuing and disposing of school bonds for such purposes, and said bonds shall be made payable and shall bear the same rate of interest provided by law for such bonds, and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXVII.

### SCHOOL DISTRICTS NOS. 17 AND 69, ATCHISON COUNTY.

AN ACT authorizing School Districts Nos. 17 and 69 in Atchison county to pay off the bonded indebtedness of said school district, and authorizing the State Treasurer to receive the same and to cancel and deliver the bonds to said districts.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That at any time the treasury of Atchison county, Kansas, shall have accumulated sufficient funds belonging to school district No. seventeen or to school district No. sixty-nine, in said Atchison county, to pay in full any bond or bonds issued by said districts, before their maturity, the State University fund being the holder thereof, the treas-

urer of said county may pay the same to the state treasurer and take up such bond or bonds; and the state treasurer is hereby authorized to receive the same and to cancel such bond or bonds and the unmatured coupons attached thereto, and deliver the same, so canceled, to the officer paying the amount.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXVIII.

### SCHOOL DISTRICT NO. 16, ALLEN COUNTY, TO DRILL FOR GAS OR COAL.

AN ACT to authorize School District No. 16, Allen county, State of Kansas, to vote bonds for the purpose of boring or drilling a well on the grounds now owned by said district for gas or coal.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of directors of school district number sixteen (16), Allen county, state of Kansas, are authorized and empowered on petition to submit to the qualified electors of said district a proposition to vote bonds not to exceed four thousand dollars (\$4,000) in amount, for the purpose of boring or drilling a well for gas or coal on the grounds now owned by said district, to be used for heating and lighting the school buildings in said district.

SEC. 2. That the same notice shall be given and the same regulations and requirements observed in the election as are now required by law authorizing elections by school districts to issue bonds.

SEC. 3. That if two-thirds of all the qualified electors of said school district voting at said election shall vote in favor of issuing the same, the board of directors of said district shall

without delay proceed to issue the bonds thereof for the purpose of boring or drilling a well for gas or coal, as specified in section one aforesaid, not to exceed in amount the sum of four thousand dollars.

SEC. 4. That the registration, delivery and negotiations of the said bonds issued by the board of directors of aforesaid school district shall be regulated and controlled by statutes relating thereto now in force.

SEC. 5. Each bond issued under the provisions of this act shall be for the sum of not less than one hundred dollars, and shall be made payable to bearer at a time and place therein named, and to run not less than five or more than fifteen years from the date thereof, and shall bear interest at a rate not to exceed seven per cent. per annum, for which interest coupons shall be attached to said bonds; and each of said bonds and coupons shall be signed by the chairman of said board of school directors, and countersigned by the county clerk of Allen county, state of Kansas, and his official seal attached.

SEC. 6. That this act shall be in force on and after its publication in the official state paper.

Approved February 21, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXIX.

### SCHOOL-DISTRICT BONDS—FORT SCOTT.

AN ACT to authorize the Board of Education of the city of Fort Scott to issue certain school-district bonds.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. In order to enable the board of education of the city of Fort Scott, in the county of Bourbon, to pay off certain indebtedness and to provide for the maintenance of the



schools of said city, such board is hereby authorized to issue bonds in the sum of twenty-one thousand dollars; but no such bonds shall be issued until the question shall have been submitted to the qualified electors of said city, and the majority of the electors voting at such election shall have declared by their votes in favor of issuing the same.

SEC. 2. The bonds provided for in the preceding section shall be issued in sums of not less than one hundred dollars each, payable in the discretion of said board of education in not less than five years nor more than twenty years from the date thereof, and shall bear interest not to exceed six per cent. per annum, payable annually or semi-annually. Said bonds shall be made payable at such place as said board of education may direct, and shall have interest coupons attached, and shall not be sold for less than par value.

SEC. 3. The question of issuing such bonds may be submitted to the qualified voters of said city at the first regular city election after the passage of this act. The ballots shall be written or printed, and shall contain the words "For the school bonds," or "Against the school bonds." The votes cast for and against the issuing of such bonds shall be counted, certified, returned and canvassed in like manner as the votes cast at such election for city officers. Ten days' notice of such election shall be given by publication in one or more newspapers printed in said city, for the submission of such proposition. If for any reason the required notice cannot be given ten days previous to the regular city election to be held in April next, then the mayor of said city, at the request of said board of education, is hereby authorized and empowered to call a special election for the purpose of submitting the question of issuing the bonds hereinbefore authorized, of which special election at least twenty days' notice shall be given by publication in one or more newspapers printed in said city. The ballots cast at such special election shall be counted, certified, returned and canvassed as hereinbefore provided.

SEC. 4. The bonds and coupons hereinbefore provided for shall be signed by the president, the clerk and the treasurer of said board of education, and shall be registered by the clerk of the board of education, before the same are disposed of.

SEC. 5. It shall be the duty of the board of education annually, commencing with the present year, to levy upon all taxable property in said city, in addition to other taxes pro-

vided by law, a sum sufficient to pay the interest accruing on said bonds, and also to provide by a sufficient levy of taxes annually, commencing with the year 1890, a sinking fund for the final redemption of said bonds, such levy to be made with the annual levy of taxes; and the taxes so levied shall be collected in the same manner as other taxes. The moneys levied and collected for the purpose of creating a sinking fund for the final redemption of said bond may be invested by said board of education in bonds of the government of the United States, or of the state of Kansas; but no more shall be paid for such bonds than their market value at such time.

SEC. 6. This act shall take effect and be in force from and after its publication in the *Daily Fort Scott Monitor*.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Daily Fort Scott Monitor* February 19, 1889.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXX.

### SCHOOL DISTRICTS—CHANGING DATE OF COMMENCEMENT, ETC.

AN Act changing the date of commencement of the school year, and changing the date of annual meetings of school districts, amending sections 2 and 3, chapter 219, laws of 1887; also, requiring county treasurers to give certain notices to school-district clerks.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 2, chapter 219, laws of 1887, be and the same is hereby amended to read: An annual meeting of each school district shall be held on the last Thursday of July in each year, at the school house belonging to the school district, at 2 o'clock P.M. Notice of the time and place of said annual meeting shall be given by the clerk by posting written or printed notices in three public places of the district

at least ten days before said meeting. Special meetings may be called by the district board, or upon a petition signed by ten resident tax-payers of the district; but notice of such special meeting, stating the purpose for which it is called, shall be posted in at least three public places in the district ten days previous to the time of such meeting.

SEC. 2. That section 3, chapter 219, laws of 1887, be and is hereby amended so as to read: The clerk of each district shall at least five days previous to the annual meeting in July of each year make a written report, which he shall submit and read to the legal voters of the district at the annual meeting for their information and consideration. If any change or alteration therein be necessary the same shall be made, and it shall then be transmitted to the county superintendent of public instruction. Said report shall show: *First*, the number of children, male or female, designated separately, residing in the district or part of district on the last day of June previous to the date of such report, over the age of five and under the age of twenty-one years; *second*, the number of children attending school during the year, their sex, and branches studied; *third*, the length of time a school has been taught in the district by a qualified teacher, the name of the teacher, the length of time taught by each teacher, and wages paid; *fourth*, the amount of money received from the county treasurer, arising from disbursement of the state annual school fund, the amount received from district taxes, and the amount received from all other sources during the year, and the manner in which the same has been expended; *fifth*, the amount of money raised by the district in each year, and the purposes for which it was raised; *sixth*, the kind of books used in the schools, and such other facts and statistics in regard to the district school as the county superintendent may require.

SEC. 3. All county treasurers in this state are hereby required to notify clerks of all school districts in their respective counties, by mail or otherwise, ten days prior to the time fixed by law for holding the annual district meeting, of the amount of money drawn from the treasury by the district treasurer of his district since the commencement of the past school year, and shall also state in the same notification the balance remaining on hand, if any, in the county treasury to the credit of the respective districts.

SEC. 4. The county treasurer shall pay no money to the dis-

trict treasurers of his county after the close of the school year, June 30, until after the annual district meetings of the school districts have been held.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXXI.

### HIGH-SCHOOL DISTRICT, GREENFIELD TOWNSHIP, ELK COUNTY.

AN ACT to repeal an act entitled "An act to enable Greenfield township, Elk county, to organize as a graded or high-school district, and providing for holding high schools therein," and to make disposition of the money and property belonging to said high-school district.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That an act entitled "An act to enable Greenfield township, Elk county, to organize as a graded or high-school district, and providing for holding high schools therein," being chapter 179 of the session laws of 1885, be and the same is hereby repealed.

SEC. 2. It shall be the duty of the director, clerk and treasurer of said school district immediately on the publication of this act to sell and dispose of the seats, furniture, apparatus and other property belonging to said school district, to the best advantage for cash in hand, the proceeds to be paid to the treasurer of said district.

SEC. 3. The treasurer of said district shall collect and receive all moneys belonging to the same, and pay said moneys to the county treasurer of Elk county, Kansas, within ninety days from the publication of this act, taking duplicate receipts therefor, one of which he shall immediately file with the

county clerk of said county, who shall charge said moneys to said treasurer.

SEC. 4. The treasurer of Elk county, on receipt of said moneys, and any other moneys that may come into his hands belonging to said district, shall credit the same to the railroad-bond interest fund of Greenfield township in said county, and the same shall constitute a part of said fund as though levied and collected expressly for that purpose, and shall be applied by said treasurer as other moneys belonging to said fund are applied under existing laws.

SEC. 5. This act shall take effect and be in force from and after its publication in the statutes.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCXXII.

### COMMON SCHOOLS—REGULATION AND SUPPORT OF, IN CITIES OF FIRST CLASS.

AN ACT to amend section two of chapter one hundred and forty-nine of the Session Laws of 1881, being an act for the regulation and support of common schools in cities of first class.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section two of chapter one hundred and forty-nine of the laws of eighteen hundred and eighty-one be and the same is hereby amended so as to read as follows:

Sec. 2. The board of education shall in the month of August Board shall. in each year prepare an estimate and levy of the amount of moneys necessary and requisite for the support and maintenance of the public schools under its charge, for the year commencing on the first day of January next thereafter, and also the amount necessary to pay the interest on bonds accruing during such year, and the amount of sinking fund necessary to be collected during such year for the payment and redemp-

County clerk.

Proviso.

Seven mills.

Provided  
further.

tion of such bonds issued by said board, and shall cause to be certified by the president and clerk of said board to the county clerk of the county in which said city is situated the percentage by them levied on the real and personal property of and within the said city as returned on the assessment roll of the county; and the said county clerk is hereby authorized and required to place the same on the tax-roll of the county. And the said tax shall be collected by the county treasurer as the other taxes are collected, and when collected shall be paid to the treasurer of the said city for the sole purpose for which said taxes were levied, subject to the order of the said board of education; and all such levies required to be certified to the county clerk shall be so certified on or before the twenty-fifth day of August annually: *Provided*, That the estimate and tax for the general purposes of the support and maintenance of such schools, and the expense thereof, shall not exceed in any one year seven mills on the dollar of all the taxable property of the said city, in cities where the total assessed valuation is greater than \$3,000,000; and where the assessed valuation is less than \$3,000,000 the estimate and tax for the general purposes of the support and maintenance of such schools, and the expense thereof, shall not exceed in any one year ten mills on the dollar of all the taxable property of said city: *Provided further*, The schools shall not be kept open more than nine months in any one year.

SEC. 2. That section two of the act to which this is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXXIII.

### COMMON SCHOOLS—REGULATION AND SUPPORT OF.

AN Act to amend section 26 of an act entitled "An act for the regulation and support of common schools," the same being section 26 of chapter 92 of the Compiled Laws of Kansas of 1885.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. Section twenty-six (26) of an act entitled "An act for the regulation and support of common schools," the same being section twenty-six (26) of chapter ninety-two (92) of the compiled laws of Kansas of 1885, shall be and the same is hereby amended so as to read as follows: Section 26. The following persons shall be entitled to vote at any district meeting: First, all persons possessing the qualifications of electors as defined by the constitution of the state, and who shall have been in good faith residents of the district for thirty days next prior to the time of offering to vote at said election; second, all female persons over the age of twenty-one years, not subject to the disqualifications named in section second, article fifth of the constitution of the state, and who shall be residents in good faith of the district for thirty days next prior to the time of offering to vote at said election.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889.      WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCXXIV.

## COMMON SCHOOLS—REGULATION AND SUPPORT OF.

AN ACT to amend section nine of article eleven of an act entitled "An act for the regulation and support of common schools," approved March 4, 1876.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section nine of article eleven of an act entitled "An act for the regulation and support of common schools," approved March 4, 1876, be amended so as to read as follows: Section 9. The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand; and to exercise the sole control over the schools and school property of the city; and maintain such high school, in whole or in part, by demanding, collecting and receiving a tuition fee for and from each and every scholar or pupil attending such high school.

SEC. 2. Original section nine of article eleven of the act to which this act is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER CCXXV.

### STATE PERMANENT SCHOOL FUND—EXTEND TIME OF PAYMENT OF SECURITIES.

AN Act amendatory of and supplemental to section two of chapter one hundred and sixty of the Session Laws of Kansas of 1879, being entitled "An act to extend the time of payment of securities belonging to the State permanent school fund, and authorizing the Commissioners of said funds to sell United States Government bonds, in which a part of said funds is invested, and to use the proceeds in purchasing school-district bonds."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 2 of chapter 160 of the session laws of 1879 be amended so as to read as follows: Section 2. If at any time any board of education, school district, township or county shall have accumulated in the treasury sinking fund sufficient to pay in full any bond or bonds issued by such board of education, school district, township or county before their maturity, the state permanent school fund, state normal school fund, or the university permanent school fund, or agricultural college endowment fund, being the holders thereof, such board of education, school district, township or county may pay the same to the state treasurer at the time any interest coupon is due, and take up such bond or bonds; and the state treasurer is hereby authorized to receive the same and to cancel such bond or bonds and the unmatured coupons attached thereto, and deliver the same so canceled to the officer paying the amount: *Provided*, That the state treasurer, before delivering said bond or bonds, shall present the same to the auditor of state, together with a statement showing the amount of coupons upon which no moneys have been received; and upon examining such statement, and comparing with the coupons attached to such bond or bonds, the auditor shall credit the treasurer with the amounts shown to be canceled before maturity.

SEC. 2. Section two of chapter one hundred and sixty, session laws of Kansas of 1879, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCXXVI.

### SCHOOL FUNDS OF JOINT DISTRICTS—REGULATING TRANSFER OF.

AN ACT to regulate the transfer by county treasurers of school funds belonging to joint districts.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Whenever it shall appear that any school district in this state lies or is in two or more counties, it shall be the duty of the treasurer of the county or counties having the smaller amount of territory in said district to transfer to the treasurer of the county having the greater amount of territory of said district, before the 10th day of January, 1st day of July and 20th day of September of each year, all moneys in his hands belonging to said district, including all money for the payment of bonds or interest on bonds of said district; and the treasurer receiving said money shall issue therefor and forward to the treasurer so sending the money, receipts in triplicate, one of which said treasurer shall file with the county clerk of the county, and the board of county commissioners thereof shall give said treasurer proper credit therefor. One of said receipts shall be sent to the county clerk of the county to which the money was sent, who shall charge the county treasurer with the amount thereof.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCXXVII.

### PUBLIC SCHOOLS IN THE CITY OF WICHITA.

AN ACT concerning the public schools in the city of Wichita, a city of the first class.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The public schools in the city of Wichita shall be governed by the provisions of the following act.

SEC. 2. The board of education shall consist of two mem- Board.  
bers from each ward, who shall be and remain residents of the ward from which they are elected during their term of office; to be elected by the qualified voters of the ward in which they reside, one of whom shall be elected annually, and shall hold his office for the term of two years, and until his successor is duly elected and qualified.

SEC. 3. The board of education shall have power to fill Board power to.  
any vacancy which may occur in their body: *Provided*, That any vacancy occurring more than thirty days previous to the annual city election, and leaving an unexpired term of six months or more, shall be filled at the first city election thereafter; and the ballots and returns of election shall be designated as follows: "To fill unexpired term of — years." The board shall have power to declare the seat of any member vacant who shall absent himself for three consecutive regular meetings, unless excused by a majority vote of the board.

SEC. 4. The board of education shall be a body corporate Corporate body.  
under the name of "The Board of Education of the city of Wichita," and as such shall have the power to sue and be sued; to elect its own officers, and make all necessary rules for the government and regulation of the schools of said city under its charge and control, subject to the provisions of this act; to exercise the sole control over the public schools and school property of said city; and shall have the power to establish and maintain a high school: *Provided*, No discrimination Proviso.  
shall be made on account of race or color: *Provided further*, That no tuition fee shall be collected from any pupil who is an actual resident of said city. The board of education shall have power, where the school accommodations are

deemed insufficient, to exclude, for the time being, children between the ages of five and seven years.

President.

Secretary.

Treasurer.

Superintendent.

Proviso.

Vacancy.

Fiscal year.

President, duty of.

Visiting committee.

SEC. 5. The board of education shall at its first regular meeting in May of each year organize by the election of a president and vice-president from its members, each of whom shall serve for one year and until his successor is elected and qualified. They shall elect a secretary, who shall be required to devote his time to the duties of his office, and the board shall provide a suitable office in which he shall keep the records of his office; the board shall elect a treasurer, who shall give a good and sufficient bond, to be approved by the board, said bond to be filed with the secretary; the board shall also at the same time elect a superintendent of public schools: neither of whom shall be members of said board, and who shall hold their respective offices for the term of one year, unless sooner removed by the board: *Provided*, That in no case shall the board elect or employ a person for such superintendent who does not hold a certificate issued to him by the state board within three years from the time of such election, or who shall hold a diploma from some first-class classical or scientific institution. The board shall have the right at any time, at any regular meeting, to hold an election to fill any vacancy which may occur among the officers of the board or any of its agents, servants, or employés. The fiscal year of such board shall close on the last day of June, and the annual report of the president, superintendent, and of the several committees, shall be presented to the board on or before the first Monday in August of each year. •

SEC. 6. It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer of school moneys. He shall appoint a visiting committee consisting of three members, who shall serve for a term of three months, and whose duty it shall be to visit all the schools in said city and report to the board the condition of such schools, and make such recommendations to the board as in their opinion will improve the condition of the schools; but no member shall serve on such committee more than one term in any school year. The president of the board shall be *ex officio* a member of such committee, and the board is authorized to allow compensation

not exceeding two dollars per day for each day of actual service, but in no case shall any member receive more than twenty dollars for such service.

SEC. 7. It shall be the duty of the vice-president to perform all the duties of the president in case of his absence or disability. Vice-president, duty of.

SEC. 8. It shall be the duty of the secretary to attend all meetings of the board, to keep an accurate journal of its proceedings, to have the care and custody of the records and papers of the board, to countersign all warrants drawn upon the treasurer by order of the board, to keep an account of all moneys paid to the treasurer on account of said board, and all moneys paid or orders drawn on the treasurer by order of the board; and shall at least once in three months prepare and cause to be published in said city a statement under oath, showing, first, the moneys received by the treasurer since last report, and from what source received; second, the amount of sinking fund, and how invested; third, the moneys paid out, to whom and for what paid; fourth, the balance of general fund in the hands of the treasurer; fifth, the number, date and amount of any bond issued by said board, purchased under the authority of this act, and the amount paid therefor; and shall perform such other duties as the board may require, and shall receive for his services such compensation as shall be deemed adequate, but in no event more than one thousand dollars per annum. But before entering upon the discharge of his duties as secretary of the board of education he shall give bond in the sum of one thousand dollars, with good and sufficient sureties to be approved by the board, and shall take and subscribe to an oath or affirmation before a proper officer that he will support the constitution of the United States, the constitution of the state of Kansas, and faithfully perform the duties of his office. Secretary, duty of. Give bond of.

SEC. 9. The treasurer shall give a good and sufficient bond, with sureties, to the board of education, said bond to be approved by the board of education and filed with its secretary. It shall be the duty of the treasurer to deposit all moneys belonging to the board of education in some responsible bank, in the name of such treasurer as such officer, which bank shall pay interest on average monthly balances as may be agreed upon by such bank and the board of education. The bank offering the highest rate of interest shall be designated, and Treasurer, duty of.

before making such deposits the board of education shall take from such bank a good and sufficient bond, with sureties approved by said board, in a sum to be named by the board of education, conditioned that such deposits shall be promptly paid on the check or draft of such treasurer. The treasurer shall attend all the meetings of the board when required to do so, shall prepare and submit in writing a monthly report of the finances of said board, and shall pay school moneys only upon a warrant signed by the president, or in his absence by the vice-president, and countersigned by the secretary. The treasurer shall receive from the board of education such compensation as shall be deemed adequate.

Superintendent.

SEC. 10. The superintendent shall have the charge and control of the public schools of the city, subject to the orders, rules and regulations and by-laws of the board; and shall receive for his services such compensation as the board may agree upon.

SEC. 11. No member of the board of education shall receive any pay or emolument whatever for his services as such member, except as provided in section six of this act.

Examining committee.

SEC. 12. The board of education, at its organization on the first Monday in May, shall appoint three competent persons, who shall be styled the "Examining Committee of the Board of Education," whose duty it shall be to examine from time to time all such persons as may apply to them as teachers; and no person shall be elected by the board as teacher who cannot produce a certificate from the examining committee, signed by all or a majority of them, setting forth that such person is competent to teach in such department of the public schools as shall be stated in the certificate: *Provided*, That the committee may issue a certificate to any suitable person who holds a diploma or certificate from the state board of education. The board shall allow reasonable compensation to said committee for their services; and shall have power to fill any vacancy which may occur in the examining committee.

Proviso.

Levy of.

SEC. 13. The board of education shall in the month of August in each year prepare an estimate and levy of the amount of moneys necessary and requisite for the support and maintenance of the public schools under its charge for the year commencing on the first day of January next thereafter, and also the amount necessary to pay the interest on bonds accruing during the year, and the amount of sinking fund

necessary to be collected during such year for the payment and redemption of such bonds issued by said board; and shall cause to be certified by the president and secretary of said board to the county clerk of the county the percentage by them levied on the real and personal property of and within the said city, as returned on the assessment roll of the county; and the said county clerk is hereby authorized and required to place the same on the tax-roll of the county. And the said tax shall be collected by the county treasurer as the other taxes are collected, and when collected shall be paid to the treasurer of said board of education for the sole purpose for which said taxes were levied, subject to the order of said board of education. And it is hereby made the duty of such county treasurer to promptly pay over, on demand, to the treasurer of the board of education, once a month, all moneys belonging to the board of education; and upon default or refusal to do so such county treasurer shall be deemed guilty of a misdemeanor, and subject to a fine of not less than one hundred dollars for each and every offense. All levies required to be certified by the county clerk shall be so certified on or before the twenty-fifth day of August annually: *Provided*, That the estimate and tax for the general purposes for the support and maintenance of such schools, and the expense thereof, shall not exceed in any one year ten mills on the dollar of all the taxable property of said city: *Provided further*, The schools shall not be kept open more than nine months in any one year.

County clerk.

County treasurer.

Provided.

SEC. 14. All taxes collected for the benefit of the public schools shall be paid in money, and as soon as collected shall be placed in the hands of the treasurer of the board of education, subject to the order of the board.

All taxes.

SEC. 15. The whole city shall comprise a school district for all purposes, but territory outside of the city limits, but adjacent thereto, may be attached to such city for school purposes upon application to the board of education of such city, by a majority of the electors of such adjacent territory; and upon such application being made to the board of education they shall, if they deem it proper and to the best interests of the schools of said city and the territory seeking to be attached, issue an order attaching such territory to such city for school purposes, and to enter the same upon their journal, and such territory shall from the date of such order be and

School district.

compose a part of such city for school purposes only ; and the taxable property of such adjacent territory shall be subject to taxation, and shall bear its full proportion of all expenses incurred in the erection of school buildings, and in maintaining the schools of such city.

**Title of property.** SEC. 16. The title of all property held for the use or benefit of the public schools shall be vested in the board of education, and held by them in trust for the city ; and the board of education may sue in its own name for all moneys due or to become due to the board or to the school fund, and for any trespass upon, injury to, or possession of any of the school property of said city, for the benefit of the school fund of such city.

**Property to be sold.** SEC. 17. No school property of any kind shall be sold or conveyed by the board of education, except at a regular meeting of the same, and not then without an affirmative recorded vote of at least two-thirds of all the members of said board.

**Regular meetings.** SEC. 18. The regular meetings of the board of education shall be upon the first Monday in each month, but special meetings may be held from time to time as circumstances may demand.

**Board report.** SEC. 19. The board of education, at the close of each school year, or as soon thereafter as practicable, shall make an annual report of the progress, prosperity and condition, financial as well as educational, of all the schools under its charge ; and said report, or so much of it as the board shall consider to advantage to the public, shall be printed either in a public newspaper or in pamphlet form.

**Religion.** SEC. 20. No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the city, but nothing in this section shall be construed to prohibit the reading of the Holy Scripture.

**Exempt from tax.** SEC. 21. All property held by the board of education for the use of public schools shall be exempt from taxation, and shall not be taken in any manner for any debt due from the city.

**To raise funds.** SEC. 22. Whenever it shall be necessary to raise funds to purchase a school site or sites, or to erect, furnish or prepare suitable building or buildings thereon, or for the purpose of purchasing a site for and erecting a public-school library building, it shall be lawful for the board of education to issue bonds and negotiate and sell the same, but at not less than par value.



Such bonds shall bear date on the day they are sold, and shall bear interest at a rate not exceeding six per centum, payable semi-annually, and such bonds shall be payable in not more than twenty years: *Provided*, That the entire amount of said bonds shall at no time exceed, including present indebtedness, in the aggregate, five per centum of the value of all the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of said indebtedness: *Provided further*, That no proposition to vote bonds under this section shall be submitted until a majority of all the members of such board shall have voted therefor, the vote being taken at a regular meeting of said board by ayes and nays, and duly recorded in the records of such board: *And provided*, That no bonds shall be issued until the question has been submitted to the qualified electors, and the majority of said electors who shall vote on the question at an election held for that purpose shall have declared by their votes in favor of issuing said bonds. All bonds issued by the board of education in pursuance of this section shall be signed by the president and secretary of the board of education, and countersigned by the treasurer; and said bonds shall specify the rate of interest, and the time when principal and interest shall be paid, and each bond so issued shall not be for a less sum than one hundred dollars.

Rate of interest.

Proviso.

Signed by.

SEC. 23. Upon the request of the board of education the mayor of the city shall forthwith call an election, according to law, to be conducted in all respects as are the elections for city officers, except the returns shall be made to the board of education for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation of such election the amount of bonds asked for and the purpose for which they are to be issued.

Mayor shall.

SEC. 24. The board of education in its annual estimate as provided for in this act shall include an amount sufficient to pay the interest as the same accrues on all outstanding bonds issued by the board, and also to create a sinking fund for the redemption of said bonds; and shall levy and cause the same to be collected as provided for in section thirteen of this act, in addition to the one per cent. authorized by the provision of the said section, for school purposes; and such money shall remain a specific fund for said purposes only, and shall not be

Sinking fund.

appropriated for any other purpose, except as hereinafter provided.

May be invested.

SEC. 25. The moneys levied and collected for creating a sinking fund for the redemption of the principal of the bonds issued by the board of education may be used and employed or invested as follows: First, after retaining an amount sufficient to pay the principal of any bonds maturing during the year, the board shall with the surplus of such sinking fund purchase any of the outstanding bonds issued by the board. Such purchase shall be made at the lowest price at which such bonds can be bought, and whenever there shall be a surplus of such sinking fund amounting to the sum of one thousand dollars, the board shall purchase forthwith like bonds on the same terms and conditions hereinbefore specified;

Second.

second, if for any reason such bonds cannot be purchased as hereinbefore mentioned, such sinking fund may be invested by the treasurer, under the direction of the board of education, at such times as the board shall direct, in interest-bearing bonds of the United States or the state of Kansas, or other school bonds, which shall be purchased at the lowest market price. Interest accruing on such bonds shall be invested in the same manner and for the same purposes as the sinking fund. Such bonds shall be held by the treasurer until the principal of the bonds issued by the board of education shall become due, and shall then be sold at the highest market price, and the proceeds applied to the payment of the bonds: *Provided*, That if at any time the board shall deem it advisable, it shall be lawful for the board to sell such bonds for the purpose of purchasing outstanding bonds issued by the board, but all such sales shall be made at the highest market price, and the bonds of the board purchased with the proceeds of such sale shall be at the lowest market price, as provided for in this section: *Provided further*, That the bonds first maturing shall be first purchased, if they can be had on terms as favorable to the board as any offered for sale to the

Provided.

Bonds canceled.

said board. All bonds of the said board purchased under the authority hereby given shall be forthwith canceled and destroyed, and the secretary shall enter on the bond register of said board, on the margin of the record, the date when the same were purchased and the price paid, and thereafter no interest or sinking fund shall be levied or collected on

account of said bonds so canceled. Such sinking fund shall never be used or appropriated in any other manner.

SEC. 26. Whenever the interest of the above-mentioned <sup>Interest.</sup> bonds shall become due, the same shall be paid by the treasurer of said board.

SEC. 27. The credit of the school fund of the city is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, for the prompt payment of the same as they may become due.

SEC. 28. It shall be the duty of the secretary of the board <sup>Secretary, duty of.</sup> of education to register in a book provided for that purpose the bonds issued under this act, which said registry shall show the number, date and amount of each bond issued.

SEC. 29. The board of education of the city is hereby au- <sup>May re-fund.</sup> thorized and empowered to re-fund any and all outstanding bonds heretofore issued by order of said board, by issuing new bonds to the holders of such outstanding bonds: *Provided,* <sup>Proviso.</sup> That such new bonds shall not be for a greater amount than the par value of the bonds re-funded. Such re-funded bonds shall severally be in such amount as said board shall direct, and shall state for what purpose issued, and shall be payable to bearer within twenty years after date, and shall bear interest at the rate not exceeding six per cent. per annum, payable semi-annually each year until paid. There shall be attached to each of said bonds coupons, numbered consecutively according to the terms of such bonds so issued, for the amount of the semi-annual interest upon each bond: *Provided,* <sup>Proviso.</sup> That no bond or bonds hereby authorized shall be delivered until the bond or bonds to be surrendered therefor shall be delivered to the said board. All bonds re-funded under the provisions of this act shall be noted as surrendered, and canceled on the registry of the said board in the secretary's office, and the same shall be destroyed in the presence of said board. The bonds hereby authorized shall be numbered and registered in the book kept by said board for the registry of its bonds, and said bonds shall be signed by the president and the secretary of said board, attested with the seal of the board by the secretary, and countersigned by the treasurer of said board.

SEC. 30. The board of education, and any and all officers <sup>Board to levy and collect taxes.</sup> by law authorized to levy and collect the taxes in and for said city for the support of schools therein, shall at the same time

and in the same manner as the other taxes for school purposes are levied and collected, and in each and every year until said bonds and interest are fully paid, as hereinbefore provided, levy or cause to be levied upon all the property within said city, subject to taxation for school purposes, a tax or taxes, sufficient in amount to pay and discharge the interest on each of the bonds issued under the provisions of section twenty-nine of this act, and then outstanding, and cause the same to be collected in the same manner as other school taxes are collected, and with the money so collected, pay and discharge the coupons for which said tax or taxes were levied; and it shall be the duty of the secretary of the board to forthwith, on the payment of any of such coupons, to note their payment upon the registry of said bonds and present the same to the board, and in their presence cancel and destroy the same in such manner as the board shall direct.

Refuse to.

SEC. 31. If the board of education, or other officers whose duty it shall be to levy taxes for the payment of coupons of said bonds as herein provided, shall neglect or refuse to levy the tax or taxes for the payment of the coupons as by section twenty-nine of this act required, each member of such board or officer who shall vote against or otherwise oppose the levy and collection of such tax or taxes, or shall do any act to prevent or delay such levy and collection, shall be liable jointly and severally to each and every holder of such bonds, or coupons of said bonds, which would have been payable from such taxes if the same had been levied for the whole amount unpaid on such bonds or coupons, and the same may be recovered in a civil action in any court of competent jurisdiction, and judgment rendered thereon may be collected and enforced in the same manner as other judgments are collected and enforced; and any such officer so neglecting or refusing to levy such tax shall further be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied during such year, or imprisonment in the county jail for a term of not less than three or more than twelve months, or both such fine and imprisonment.

Guilty of.

Power to condemn.

SEC. 32. The power to condemn property for a school site, or for enlarging the school site already established, is hereby expressly granted to the board of education; and in case the board cannot by purchase at reasonable rates, or by donation,

obtain title to the site selected by such school board, or if it be deemed advisable by such school board to add other ground to any school-house site already selected, or if in good faith but by mistake or otherwise a school-house has been or shall be erected wholly or partially upon any land or lot to which said school district at the time of the erection of such school building or any addition thereto had not acquired a legal title, then and in any such cases, upon the written application of said board of education, or a majority thereof, it shall be the duty of the probate judge of the county to appoint three disinterested freeholders whose duty it shall be to condemn and appraise such site or addition thereto; and in case such land or lot so condemned and appraised shall be an original selection for a school-house site, the amount so condemned and appraised shall not exceed two acres, and if it be for an addition to the existing site, the additional amount condemned and appraised shall not exceed two acres. Immediately after the appointment such appraisers shall proceed to condemn and appraise the value of the site so selected, or the addition to such existing site, and shall within ten days thereafter make and sign a report describing the land or lots so condemned, the purpose for which it was so condemned, and the appraised value thereof, which report shall be by them filed in the office of the register of deeds of the county, and by such register duly recorded as other instruments are recorded. Within thirty days after the report of said appraisers is filed in the office of the register of deeds, the board of education shall pay to the county treasurer the amount of the appraised value thereof, and also one dollar for the recording of said report; and upon such payment being made to the county treasurer by the school board, the title to such site or addition thereto shall vest in the school board. Either party may appeal from such report of appraisement to the district court, in the same time and manner that appeals are taken from the judgments of justices of the peace in civil actions.

Probate judge,  
duty of.

Appointment of  
appraisers.

May appeal.

SEC. 33. The board of education shall have power to establish and maintain a library and free reading-room for the use of public schools of the city, and to levy annually for said purpose a tax not to exceed three-tenths of a mill on the dollar of all the taxable property of said city.

Library.

SEC. 34. The board of education shall be the sole judges

Judges of.

of the qualification and election of its own members, and they shall be required to meet at the mayor and city clerk's office within five days after any election held for that purpose, and canvass the vote of the members elect, and declare the result. The president and secretary shall issue certificates of election to anyone legally entitled thereto.

Mayor and council,  
duty of.

SEC. 35. It shall be the duty of the mayor and city council to require the city clerk to carefully preserve all ballots cast at any election for members of the school board, or for other school purposes, and deliver said ballots to said board of education for the canvass of the same: *Provided further*, That in case of failure on the part of the city clerk to preserve and deliver to the board of education all ballots cast for school purposes he shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not less than one hundred dollars for each and every offense.

SEC. 36. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXXVIII.

### SCRIP OF MOUND CITY—COUNCIL TO ISSUE.

AN ACT to authorize the City Council of Mound City, Linn county, to issue the scrip of the city to reimburse citizens of said city for money advanced to build a court-house.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The city council of Mound City, Linn county, is hereby authorized to issue the scrip of said city in a sum not to exceed six thousand dollars, bearing interest not to exceed six per cent. per annum, and for the redemption of the same to annually levy a sufficient tax on the assessable property of said city to redeem not to exceed one thousand

dollars thereof each year, for the purpose of reimbursing citizens of said city for money advanced in building a courthouse: *Provided*, That no such scrip shall be issued unless authorized by a vote of a majority of the legal electors of said city voting at an election to be called for that purpose, and upon a petition to call said election of not less than two-thirds of the tax-payers of said city, to be ascertained from the last preceding tax-roll. Ten days' notice of said election shall be given by publication in the *Mound City Progress*.

SEC. 5. That this act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXXIX.

### SECTION LINES IN SEWARD, MEADE, AND OTHER COUNTIES.

AN ACT declaring all section lines in the counties of Seward, Meade, Haskell, Grant, Garfield, Gray, Gove, Logan, Wallace and Stevens public highways.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all section lines in the counties of Seward, Meade, Haskell, Grant, Garfield, Gray, Gove, Logan, Wallace and Stevens, in the state of Kansas, be and the same are declared public highways, and to be of a width of sixty feet.

SEC. 2. That if any part of the section lines in either of said counties shall be found to be impracticable, the county commissioners of such county shall have the power to vacate any portion of any section-line road in this act provided for, whenever requested to do so by a petition duly signed by the requisite number of householders as specified under the present general road laws.

SEC. 3. That any person owning land on either side of said section lines as are herein declared public highways, feeling himself aggrieved by reason of the enforcement of this act, shall have the right to present his claim for damages for land appropriated for road purposes under the provisions of this act at any time within six months from the time of the taking effect thereof.

SEC. 4. The county commissioners shall have the right to reject any one or more claims for damages for land appropriated under the provisions of this act, in which case so much of such section lines shall not be opened as a public highway: *Provided, also,* That the county commissioners may, in case they deem any claim for damages excessive, allow such an amount as they may deem just, and from which decision the parties feeling themselves aggrieved shall have the right to appeal as in cases provided under the general road laws.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXXX.

### SEWERAGE AND DRAINAGE—CITIES OF SECOND CLASS TO CONSTRUCT AND MAINTAIN.

AN ACT to amend section two of chapter one hundred and two of the laws of 1887, being an act to authorize cities of the second class to construct and maintain a system of sewerage and drainage.

*Be it enacted by the Legislature of the State of Kansas:*

Mayor and council may.

SECTION 1. Section 2 of chapter 102 of the laws of 1887 is hereby amended so as to read as follows: Section 2. The mayor and council shall have power to provide for a system of drainage and sewerage for the city or any part thereof, and



to build and construct sewers or drains by district wise, as the mayor and council may designate. expenses of constructing the same shall be assessed on lots or pieces of ground contained in the district same is situated, and the costs of the same shall be collected as one tax, in addition to other taxes and shall be certified by the city clerk to the collector and be placed on the tax-roll for collection, subject to penalties, entitled to the same rebate, and collected in the same manner as other taxes: *Provided*, That where any lot or piece of ground shall pay its full proportions for general taxes and drains in one district, it shall not be transferred to another district and be thereby made liable for taxation for drains therein: *And provided further*, That the council may, in their discretion, provide for the payment of the cost thereof by installments instead of levying a tax or special assessment for such cost at one time. When such installments they may issue improvement bonds for the city, payable in installments of equal amounts each year, of which bonds nor any of the installments thereon shall run longer than ten years, nor bear interest exceeding six per centum per annum. The credit of the city issuing the bonds shall be pledged for the payment thereof. Such bonds shall be issued to the contractor constructing the improvement, or the payment thereof, or the mayor and the council may pay the same at not less than their par value, and pay the interest thereon to the contractor. Such bonds shall not run for an amount in excess of the contract-price of the work to be done, except that the installment coupons shall be payable with interest on all such installments to the maturity thereof. The bonds shall be of such denominations as the mayor and council shall deem proper. Where improvement bonds are issued under this act for improvements, the cost of work done by law charged by special assessment against specific lots or pieces of ground, the mayor and council shall levy special assessments each year sufficient to redeem the installment of such bonds, and thereafter maturing, but in computing the amount of such assessment to be levied against each piece of property, interest thereon shall be added at the rate of six per centum per annum from the date of the issue of the bonds until the maturity of the installment of the bonds thereafter maturing. Such assessments shall be

Owner may re-  
deem.

the property chargeable for the cost of such improvements respectively, and shall be levied and collected in the same manner as may be provided by law for the levy and collection of special assessments for such improvements where no bonds are issued, except as otherwise provided by this act; but the assessed valuation liable for such cost, which is established for the first year's assessment, shall be retained for the assessments for the succeeding installments of said bonds. The owner of any piece of property liable to any such special assessment may redeem his property from such liability by paying the entire amount chargeable against his property upon the city clerk mailing him a written or printed notice thirty days before the issuance of the bonds, or after the issuance of the bonds by paying all of the installments of the assessments which have been levied, and also the amount of unlevied installments, with interest on the latter at the rate of eight per centum per annum from the date of the issuance of the bonds to the time of the maturity of the last installment. In all cases where installments of assessments not yet levied and paid as above provided, whether before or after the issuance of the bonds, the same shall be paid to the city treasurer, who shall receipt therefor; and all sums so paid shall be applied solely to the payment of such improvements, or the redemption of the bonds issued therefor. Where any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable to further special assessment for the cost of such improvement. No suit to set aside the said special assessments, or to enjoin the making of the same, shall be brought nor any defense to the validity thereof be allowed after the expiration of thirty days from the time the amount due on each lot or piece of ground liable for such assessment is ascertained. The fund raised by such assessments shall be applied toward the redemption of said bonds, and toward reimbursing the city when said bonds or any part thereof are redeemed from general taxes. For the cost of such improvements as are made payable out of the general-improvement fund of the city, the mayor and council may also issue bonds of the same tenor and effect and under the same restrictions as those hereinbefore mentioned; and such bonds and the interest thereon shall be paid by the levy of a general tax on all the property in the city.

General tax.

SEC. 2. Section 2 of chapter 102 of the law hereby appealed.

SEC. 3. This act shall take effect and be in force after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file and that the same was published in the official March 21, 1889. WILLIAM HIGGINS, *Secretary*

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## CHAPTER CCXXXI.

SEWERS—CITY OF WICHITA TO ISSUE SCRIP.  
AN ACT to enable the city of Wichita, a city of the first class, to issue scrip for sewer purposes.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That whereas, the city of Wichita has contracted for the building of a system of sewerage provided for the issuing of bonds in payment of which it having become necessary to appropriate money for work upon said sewer prior to the issuing of the same, the mayor and councilmen of said city are hereby authorized by ordinance to issue the scrip of said city and in making such payment to an amount not exceeding one-third of the contract price; said scrip to specify the purpose for which issued, and to be redeemed out of funds arising from the sale of bonds on account of such sewer, and to bear interest at ten per cent. per annum.

SEC. 2. It shall be the duty of the city treasurer, as soon as the proceeds of the sale of the bonds for the construction of the sewer or sewers are deposited in the treasury of said city, to give ten days' notice in the official paper of the city that he is ready to redeem the scrip under section one of this act, and all scrip not so redeemed at the time specified in said notice shall bear interest.



SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. **WILLIAM HIGGINS, Secretary of State.**

## CHAPTER CCXXXII.

### SEWERS IN CITIES OF FIRST CLASS—RELATING TO RIGHT-OF-WAY.

AN ACT providing for the condemnation of right-of-way for and the construction of flushing-ditches or conduits and discharging-sewers or outlets for sewers in cities of the first class, and prohibiting the discharge of sewage from any source within certain distance of water supply.

*Be it enacted by the Legislature of the State of Kansas:*

Mayor and council may.

SECTION 1. The mayor and council of any city of the first class shall have power and authority to construct flushing-ditches or conduits, discharging-sewers or outlets for sewers, and connect the same with any creek or river at any point within five miles of the corporate limits of the city, and for this purpose the right of eminent domain is hereby granted to cities of the first class.

Appraisers, duties of.

SEC. 2. Whenever the mayor and council shall determine to lay off and condemn a right-of-way from its corporate limits to such point on such creek or river and to connect sewers therewith as aforesaid, the mayor and council may, by resolution in writing signed by the mayor and clerk and attested with the seal of said city, appoint three disinterested householders as appraisers, who, after being duly sworn to impartially discharge their duties, shall give ten days' notice in the official city paper of the time and place when and where they will convene to discharge their duties as such appraisers. The city marshal shall serve a notice upon each known resident owner of land to be condemned, and a written or printed notice

Serve notice.

for five days prior to such condemnation shall lay out the points where the proposed flushing-ditch or conveying-sewer or outlet, shall begin and where the same shall connect with such creek or river. Said appraisers shall estimate the damages which the construction of such flushing-conduit, discharging sewer or outlet shall cause and within thirty days from such appointment shall make duplicate reports of their appraisal and deliver the same thereof with the city clerk and the other copy with the treasurer. Before constructing such flushing-ditch or discharging-sewer or outlet, and connecting it with such creek or river, said city shall deposit with such county clerk the amounts so assessed as damages, and any person aggrieved by such award may appeal in the manner provided in case of appeals from condemnation for

SEC. 3. Any person through whose lands a flushing-ditch or conduit, discharging-sewer or outlet shall be constructed, or who would be otherwise damaged, shall give his consent thereto in writing, and such writing with a written acknowledgment may be recorded in the office of the clerk of deeds of the proper county, and thenceforth the person so consenting shall have the same right to construct and maintain such flushing-ditch or conduit, discharging-sewer or outlet, as if the lands and right-of-way had been formally condemned. The costs and expenses occasioned by such condemnation shall be paid by the construction of such flushing-ditch or conduit, discharging-sewer or outlet, beyond the city limits, shall be assessed against the lots and pieces of land in the district in which the same was constructed: *Provided*, that no such flushing-ditch shall be permitted to empty into any stream from which a water supply is obtained within three miles above the place where said water supply is obtained.

SEC. 4. In case any city of the first class has entered into any contract to construct or has constructed a flushing-ditch or conduit, discharging-sewer or outlet for the purpose of conveying sewage without sufficient authority of law, the want of such authority shall not render such contract or construction void; and the same is hereby legalized in all respects; and the construction of such flushing-ditch or conduit, discharging-sewer or outlet, beyond the city limits shall be assessed against the lots and pieces of land in such sewer districts the same as though such flushing-ditch

discharging-sewer or outlet, was wholly within such district or districts, and any bonds that may have been issued by such city for the construction of such flushing-ditch or conduit, discharging-sewer or outlet, are hereby legalized in all respects.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCXXXIII.

### SOLDIERS—RELATING TO ENROLLMENT OF.

AN ACT to enroll the late soldiers, their widows and orphans, of the late armies of the United States, residing in the State of Kansas, and providing penalties for the failure of officers to comply with the provisions thereof.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Each township trustee as township assessor of his township, and each city or ward assessor as assessor of his city or ward, at the time for taking lists of property for taxation shall enroll every person employed in the late armies of the United States of the war of 1861, and other persons specified in the several classes below, residing in his township, city, or ward: First, any officer of the army, including regulars, volunteers and militia, or any officer in the navy or marine corps, or any enlisted man however employed in the military or naval service, or in the marine corps; second, any master serving on a gunboat, or any pilot, engineer or sailor serving upon any gunboat or war vessel of the United States; third, any person not an enlisted soldier in the army serving for the time being as a member of the militia of any state, or who volunteered for the time being to serve with any regular organ-

ized military or naval force of the United States, or who otherwise volunteered and rendered service for the United States in the late civil war; fourth, any acting surgeon or assistant surgeon or contract surgeon, or any other physician or person who temporarily volunteered to assist in taking care of the sick or wounded, or any army nurse and any chaplain of the army or navy; fifth, every widow, whether remarried or not, and every child under sixteen years of age, of all persons mentioned above in classes one, two, and three, and the children of like ages, and widows of every army or navy surgeon and army or navy chaplain who has died or shall hereafter die, and the name of the deceased father or husband of said children and widows.

SEC. 2. Each township trustee or assessor shall at the time of taking the enumeration of the inhabitants of his township, city, or ward, ascertain whether the person being listed served in any capacity in any of the divisions enumerated in section one of this act, or is liable to be listed under the fifth clause of said section, and if found to have so served, or be entitled to be enumerated as provided, he shall record the information in the following order, on a blank prepared for that purpose: Name, —; widow's name, —; rank at discharge, —; company, —; regiment, —; state, —; artillery, infantry, cavalry, signal corps, navy (name ship) or marine, state which plainly, —; regular, volunteer, militia or independent, state plainly, —; if prisoner of war, state length of time and name of prison, —; if wounded, injured or deceased, state plainly, —; if pensioner, state amount, —; if a member of the Grand Army, give name and number of post, —; present address, post office, —, county, —; if soldier died in Kansas, give date, —, and place, —; if indigent, or dependent upon others, state facts, —; name of orphan children under sixteen years of age, —; remarks, —.

SEC. 3. The first enrollment under the provisions of this act shall be made at the time of listing property for taxation for the year 1889, and the statements provided for in the preceding section shall be returned with the list of property for taxation to the county clerks of the proper counties.

SEC. 4. The county clerk of each county shall furnish the assessors of his county such blanks as may be necessary for taking the aforesaid statements, which said blanks shall be

furnished by the adjutant general of the state of Kansas to the county clerks, and the county clerk shall within thirty days after the aforesaid statements are returned to him prepare duplicates thereof, which shall be forwarded to the adjutant general of the state of Kansas; and the original shall be filed and retained in his office, and he shall furnish a true and certified transcript of such records to any regular organization of ex-soldiers' reunions when requested through their officers, free of charge, and shall furnish all necessary information contained in said statements to pension claimants and other claimants for pay or bounty, or for other purposes, as they or their agents or attorneys may demand, for which he may charge his claimants a reasonable fee, not larger than is allowed by law for a like amount of service in other cases.

SEC. 5. It shall be the duty of the adjutant general, when he shall have received the said statements from the county clerks, to put the same on permanent file in his office, arranging the surnames in alphabetical order by regiments and companies, which general list shall be bound in book form by states, and retained in his office, and shall transmit a true copy thereof to the assistant adjutant general, department of Kansas Grand Army of the Republic; and shall furnish information to pension claimants and others, as provided in the next preceding section, under the restrictions and limitations imposed upon the county clerks.

SEC. 6. Any officer intrusted with the custody of the records above provided for, who shall refuse or neglect to furnish within a reasonable length of time information or transcripts as hereinbefore provided, to the proper applicant or applicants, shall be deemed guilty of a misdemeanor, and be fined on conviction thereof in a sum not less than twenty-five dollars and not more than one hundred dollars.

SEC. 7. Any county clerk, township trustee, or city or ward assessor who shall fail or refuse to perform any of the duties required of him by this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than five dollars nor more than one hundred dollars for each and every offense.

SEC. 8. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.



I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXXXIV.

### SOLDIERS, SAILORS, ETC.—RELIEF OF DESTITUTE.

AN ACT for the relief of destitute soldiers, sailors, their wives, widows, and children.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. If any Union soldier or sailor of the late war who has been honorably discharged therefrom, or his wife, widow, or children under the age of fourteen years, shall become destitute, they, or either of them, shall receive aid at their home or place of residence through the township trustee or the overseer of the poor in the city or county in which they reside, and in no case shall they or either of them be allowed to become inmates of any city or county poor-house in this state.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXXXV.

STATE SOLDIERS' HOME—CREATING AND PROVIDING FOR  
MANAGEMENT OF.

AN Act creating the Kansas State Soldiers' Home, providing for the management thereof, and making conditional appropriations therefor.

WHEREAS, By concurrent resolution No. 49, adopted by the legislature of the state of Kansas, the senators and representatives in congress from this state were requested to use their best endeavor to secure the passage of a proper law donating to the state of Kansas the Fort Hays and Fort Dodge military reservations for the purpose of providing proper and suitable homes for the indigent ex-Union soldiers, sailors and marines of Kansas; and

WHEREAS, In pursuance of said resolution a bill is now pending in the congress of the United States for the purpose specified in said resolution: now, therefore,

*Be it enacted by the Legislature of the State of Kansas:*

Title.

SECTION 1. That whenever either of the military reservations referred to in the preamble of this act shall have been donated by the congress of the United States to the state of Kansas for that purpose, there shall be established thereon an institution under the name and style of the Kansas Soldiers' Home.

General supervision.

SEC. 2. The general supervision of the home or homes which may be established under the provisions of this act shall be vested in a board of managers, which shall be constituted of three members, who shall be appointed by the governor by and with the advice of the senate; the members of which board shall hold their office for the term of one, two, and three years, respectively, from the date of their appointment and until their successors are appointed and qualified, said respective terms of office to be designated in their several appointments, and thereafter there shall be one member of said board appointed each year, and whose term of office shall continue three years and until his successor shall have been appointed and qualified.

Board appointed by.

Term of.

Board shall organize.

SEC. 3. The board of managers, upon the taking effect of



subordinate officers may be dismissed from office by the commandant for inefficiency or misconduct; but in case of removal or dismissal, a detailed statement of the facts upon such dismissal or removal so ordered shall be reported to the board of managers by the commandant. No person shall be appointed to any office provided for by this act unless he be an honorably discharged ex-Union soldier, sailor, or marine, and served during the war of the rebellion. The term of office of the commandant shall be for four years.

Bills and  
accounts.

SEC. 9. All bills and accounts made under this act shall be verified by the sworn voucher of the claimant, and shall be approved by the board of managers, the governor, audited by the state auditor and paid by the state treasurer out of any money appropriated or donated for that purpose.

Board to report.

SEC. 10. The board of managers shall render a full and detailed report of their transactions each year, on the first day of December, to the governor, which report shall be printed and distributed in the manner provided by law for the reports of charitable institutions of this state.

Who admitted.

SEC. 11. All honorably discharged soldiers, sailors and marines who served in the army and navy of the United States during the war of the rebellion, and who may be disabled by disease, wounds, or old age, or otherwise disabled, and who have no adequate means of support, and who by reason of such wounds, old age or disability are incapacitated from earning their living and who would otherwise be dependent upon public or private charity, together with such members of their families as may be dependent upon them for support, shall be entitled to admission to such institution, subject to the rules and regulations that may be established by the board of managers for the government thereof; provided that no applicant shall be admitted to said institution or either of them who has not been an actual and *bona fide* resident of the state of Kansas for one year next preceding the date of his application for admission, unless said applicant served in a Kansas regiment or was accredited to this state.

Cultivation of  
land.

SEC. 12. The board of managers shall set apart as much land as it may deem necessary for the purpose of cultivation by the inmates for the benefit of the Home, and may in its discretion set apart two and one-half acres for the use of each inmate having a family dependent upon him, and cause to be erected thereon a small cottage which shall not cost the state

more than two hundred and fifty dollars each; may lease to the highest and best bidder any land not required for cultivation, or use of the home, the proceeds thereof to be accounted for the benefit of said institution.

SEC. 13. For the purpose of carrying out the this act, and for the purpose of furnishing, keeping and maintaining said institution and paying the salaries herefor, the sum of five thousand dollars, or so much may be necessary, is hereby appropriated for each of said institutions out of any money in the treasury not otherwise appropriated, for the fiscal year ending June 30, 1889: and the sum of five thousand dollars, or so much there necessary, is hereby appropriated for each of said institutions out of any money in the treasury not otherwise appropriated for the fiscal year ending June 30, 1891: Provided, that none of the money hereby appropriated shall be expended by either of said institutions until the reservation upon which the same is located shall have been donated and ceded to the state of Kansas by the government of the United States.

SEC. 14. The auditor of state is hereby directed to issue warrants upon the treasurer of state for the payment of the sums hereby appropriated, upon presentation of a proper voucher therefor, after the taking effect of this act.

SEC. 15. Upon the donation of said reservation to the state of Kansas by the government of the United States, the governor of this state shall cause a notice of the same to be published in the official state paper, together with a copy of the congressional act making such donation, and this shall take effect from and after such publication. It is the expressed intention of this act that no money shall be expended from the treasury of this state for the purposes of the title of these reservations, or one of them, shall be given to the state of Kansas; and if but one of the reservations is ceded to the state of Kansas, then only the amounts hereby appropriated shall be expended.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in the office of the Secretary of State.

WILLIAM HIGGINS, *Secretary of State*

## CHAPTER CCXXXVI.

## SOLDIERS' ORPHANS' HOME—GOVERNMENT AND MAINTENANCE OF.

AN Act amendatory of and supplemental to chapter one hundred and eighty-four of the Session Laws of eighteen hundred and eighty-five, being an act entitled "An act to establish a Soldiers' Orphans' Home, and for the government and maintenance thereof, and making an appropriation therefor," and repealing sections three, four, five and seven of said original act.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section three of chapter one hundred and eighty-four of the session laws of eighteen hundred and eighty-five shall be and the same is hereby amended so as to read as follows: Sec. 3. Said Soldiers' Orphans' Home shall be an institution to afford a temporary home without charge for the classes of children hereinafter mentioned, and to provide them with such advantages of education and training as may be necessary to fit them to enter homes secured for them, or for return to the care of relatives or friends worthy to have charge of them, and who may have recovered their ability to provide for their welfare. All children with sound minds and bodies, who are over the age of two years and under the age of fourteen years, and who belong to either of the following-named classes, shall be eligible for admission to said home: First, any child who is dependent upon the public for support; second, any abandoned, neglected or ill-treated child, whose condition is an object of public concern, and over whom the state may have power to exercise its authority and extend its protection: *Provided*, That in the event of a lack of room in said institution, the children of soldiers and sailors who served in the Union army or navy during the late rebellion shall have preference in the order of admission.

SEC. 2. That section four of the act to which this act is amendatory shall be and the same is hereby amended so as to read as follows: Section 4. Applications for the admission of children into the Soldiers' Orphans' Home shall be made to the probate court of the county of which any child is a resi-

dent; said application shall be in writing, and by a parent or guardian, or by any officer whose office is a supervisor of the poor. Upon such application by the judge of any probate state it shall be the duty of said judge to set the hearing of the same, and to issue a citation to parents, or the guardian, or other person or persons by said court to be interested in said inquiry at the hearing of such application. Said court shall in its facts concerning the condition of any child in an application for admission to said home is make a record of his findings in each case. The attorney of said county shall appear at the hearing on application made as aforesaid, at the request of the probate court to conduct the examination relating to the same. Proper blanks for the use of said probate courts shall be furnished by said board of trustees, and said blanks shall be filled by an affidavit, to be made by the county physician or one, (if not, then by a physician in regular practice), setting forth the mental and physical soundness of any child, and whether a proper subject for admission to said home.

SEC. 3. That section five of the act to which this amendatory shall be and the same is hereby amended to read as follows: Section 5. The said board of trustees by virtue of their office be the legal guardian of all children received in the Home, and shall have power to place children in homes provided for them during minority, or for children under articles of indenture, with such stipulations as may be deemed for the best interest of each child so indentured; they shall have the reserved right to cancel any article of indenture and resume the custody of the child so bound thereby whenever in their judgment so essential to the welfare of any such child.

SEC. 4. That section 7 of the act to which this amendatory shall be and the same is hereby amended to read as follows: Section 7. All children admitted to the Home shall be sent therefrom as provided in this act, shall be retained until they are sixteen years of age, and may be retained beyond that age in the discretion of said board of trustees unless otherwise provided for them. Said board is authorized to receive children from any county whence it came, any child when it shall be under sixteen years of age and no home has been provided for it.

whenever after its admission it shall be ascertained to the satisfaction of said board that the child was of unsound mind or unsound body at the time of its admission, or if for any other reason said board shall consider said child an improper inmate of said Home. Whenever it is made to appear to the satisfaction of said board of trustees that the parents or other relatives of any child admitted to the home have recovered their ability to provide for said child, and are proper persons to have charge of it, said board may in its discretion surrender said child to their care.

SEC. 5. In case any child admitted to the Home shall prove to be unfit to associate with other children in the Home, on account of habitual bad conduct and incorrigibility, said board of trustees may transfer said child, if a boy, to the State Reform School, and if a girl, to a Girl's Industrial School which may be established and managed by the state.

SEC. 6. The superintendents of public instruction in the several counties of the state are hereby designated as the agents of the Soldiers' Orphans' Home in their respective counties. It shall be the duty of said agents to visit the children who are placed in homes in their respective counties twice each year, and at such other times as the superintendent of the Home may request; and they shall make written reports of the condition of each child visited, upon blanks to be provided by the board of trustees for that purpose, and forward the same to the superintendent of the Home, who shall record and file the same in a proper manner. Said agents shall receive as full compensation for the services performed under the provisions of this act, their actual necessary official expenses, together with the sum of three dollars, in full for all services and report of each case visited, but not exceeding three dollars for any one day's services. All accounts for such services shall be rendered to the superintendent of said Home, and shall be verified, audited and paid in the same manner as other accounts against said home are paid.

SEC. 7. Said board of trustees shall have power to consent to the adoption of any child who has become an inmate of said Home; and whenever any child shall have been placed out from said Home under the provisions of law governing the adoption of children, or by return to a country, or by restoration to the control of relatives or friends, as hereinbefore provided, the guardianship of said board of trustees shall



cease. Said board may designate the superintendent of the Home to be the agent thereof, and may authorize all contracts of indenture, and all necessary papers for the adoption of children.

SEC. 8. As soon as this act shall take effect a said board of trustees shall communicate with the guardians, or responsible relatives of any child under the provisions of the original act establishing the Home, advising them of the changes in the law governing the Home, and affording them an opportunity to withdraw the child or wards from the care of the state. All such children shall remain in said Home until the first day of January, 1889, shall be held and disposed of the same as provided under the provisions of this act.

SEC. 9. Original sections three, four, five and section one hundred and eighty-five, the act of which is amendatory, are hereby repealed.

SEC. 10. This act shall take effect and be in force after its publication once in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true copy of the original enrolled bill now on file in the office of the Secretary of State, and that the same was published in the official state paper on March 19, 1889. WILLIAM HIGGINS, *Secretary of State*

## CHAPTER CCXXXVII.

### SPECULATING IN OFFICE—RELATING TO

AN Act relating to State, county and city officers, to prevent them from speculating in their offices, and amendatory of the acts and three of chapter 152 of the laws of 1871.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter one hundred and fifty-two of the session laws of 1871 be amended to read as follows: Section 1. It shall be unlawful for any treasurer or any of his deputies or clerks, or a

urer or any of his deputies or clerks, or any county officer or any of his deputies or clerks, or any school officer or his deputies or clerks, to buy directly or indirectly, or in any wise become a party in the purchase of or traffic in any state, county or city warrant, or any state, county, city or school scrip, or any bill, account, claim or evidence of indebtedness against this state, or against any county or city of this state, for any sum less than the full par value expressed upon the face thereof, except such amounts of said state, county, city or school warrants as may be necessary to pay his individual taxes.

SEC. 2. That section 3 of chapter 152 of the session laws of 1871 be amended so as to read as follows: Section 5 [3]. Any state or city treasurer or any deputy or clerk of any such treasurer, or any county officer or any deputy or clerk of any such officer, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty dollars nor more than five hundred dollars.

SEC. 3. The original sections one and three of said act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXXXVIII.

### STATE AGENT—PROVIDE FOR PAYMENT OF.

AN ACT to provide for the payment of the Agent of the State of Kansas for prosecuting claims against the United States.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of the gen-

SECTION 1. Whenever charges shall be made  
son or persons, and circulated within the state or  
such person or persons in writing to the governor

when the legislature is not in session, and said charges shall be deemed worthy of credit or emanating from a reliable and trustworthy source, whereby the management or administration of the affairs of any charitable, educational or penal institution, or the official conduct of any officer in charge of or otherwise connected with any of said institutions, shall be called into question upon the grounds of corruption, venality, inefficiency, misconduct, immorality, or inattention to duties, an investigation shall be had as provided for in the second section of this act. Notice shall be given in writing to the official in charge of the institution, and also to the officer or each of the officers against whom complaint or charges have been made or preferred; which said notice shall contain the substance of the matter charged, and may be served upon the parties by any person selected by the governor for that purpose. Immediately following the service of such notice the governor shall relieve from duty the official against whom the charges are pending, which suspension shall continue during the period covered by the investigation.

SEC. 2. The governor, the lieutenant-governor and the speaker of the house of representatives of the state shall meet at such time and place as may be named by the governor, and they shall proceed to select a committee of five members of the legislature, the duty of which committee when selected shall be to inquire into the truth of the charges, investigate the affairs of the institution, or examine into the official conduct of the officer named in the complaint. The committee selected to investigate as aforesaid shall consist of two senators and three representatives, neither of whom shall be from the district or county in which the institution whose affairs are to be investigated is located, or from which the official so charged has been elected or appointed. The committee thus appointed shall meet at the earliest date practicable, and shall organize by the selection of one of their number as chairman. They shall have power to send for persons and papers, and compel the attendance of and administer the usual oath to witnesses. They shall employ a clerk, and cause a complete and full record of their proceedings to be kept, and may employ a stenographer and sergeant-at-arms for the purpose of preserving the testimony produced. The members of the committee shall be allowed the per diem and mileage to which they would be entitled for services during

the session of the legislature, and the salary of the clerk and stenographer shall be the same as allowed to similar officers when employed by the legislature.

SEC. 3. Having concluded their investigation, the committee shall under the evidence and by a majority vote of the whole number of the committee, determine the truth or falsity of the charges. They shall make a complete report of their findings, and transmit the testimony in the case to the governor with such recommendations as they may deem just and appropriate. The governor shall thereupon either dismiss from the public service or reinstate the officer or officers named in the complaint, according to the findings and report of the committee. He shall also direct the attorney general in cases where the laws have been violated to institute such proceedings in the courts as may be necessary to protect the interests of the state and punish offenders.

SEC. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 5. This act shall have force and go into effect on the first day of April, eighteen hundred and eighty-nine, and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 6, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXL.

### STATUTES—PURCHASE AND DISTRIBUTION OF.

AN ACT in relation to the purchase and distribution of the General Statutes of 1889.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The state hereby accepts the proposition of the Geo. W. Crane Publishing Company to furnish to the state of Kansas three thousand five hundred copies of general statutes.

in each copy of each volume of said book; and any bill to repeal or amend any law or section contained in said general statutes, it shall be sufficient the same by its proper designation in said general statutes.

SEC. 4. This act shall take effect and be in force after its passage, and publication in the official gazette.  
Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in the office of the Secretary of State, and that the same was published in the official gazette on March 19, 1889. WILLIAM HIGGINS, Secretary.

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## CHAPTER CCXLI.

### STORMONT, JANE C.—MEMORIAL GIFT

AN ACT accepting a memorial gift from Jane C. Stormont, widow of the late Doctor David W. Stormont, for the purpose of establishing and maintaining a state medical library.

WHEREAS, Mrs. Jane C. Stormont, of Topeka, Kansas, widow of the late Doctor David W. Stormont, has presented to the state of Kansas the sum of \$10,000 in money for the purpose of establishing and maintaining a medical library for the use and benefit of the state of Kansas, and particularly for the benefit of the medical profession in said state; and

WHEREAS, Said gift is made upon the condition that the principal sum shall constitute and remain a "perpetual fund," to be known as "The Stormont medical fund," and that no part of said principal sum shall ever be expended for any purpose, but that the same shall be invested from time to time reinvested, as the state of Kansas may direct, for the benefit of said library fund, and the interest and accumulations thereof shall be expended in the purchase of books, charts and magazines relating to the practice of medicine and surgery, and kindred and associated subjects, and which books, charts and magazines shall be purchased

time to time by such person, board or officer of the state of Kansas as may be provided by law, but such purchases shall be made upon the recommendation of the library committee of the Kansas Medical Society, or such other committee as said society may from time to time designate; but if such society shall fail or neglect to appoint or maintain such committee, then such books, charts and magazines shall be purchased under the direction of such person, board or officer as may be authorized by law, and which library shall form and constitute a part of the library of the state of Kansas, and shall be known and designated as "The Stormont Medical Library," and shall be forever kept and maintained with the state library in the state capitol building, to be designated by law, and which library shall be forever free for the people of Kansas, and particularly for the medical profession of the state, under such rules and regulations as may from time to time be prescribed by the directors or officer having charge of the state library: therefore,

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The state of Kansas hereby accepts from Mrs. Jane C. Stormont the sum of five thousand dollars mentioned in the foregoing preamble, for the uses and purposes, and upon and subject to all the terms, conditions and limitations mentioned and expressed in said preamble; and the treasurer of the state of Kansas is hereby directed to accept and receipt for said sum of five thousand dollars, and place the same upon the records of his office to the credit of "The Stormont medical library fund," which sum shall constitute a "perpetual endowment fund" for the purposes named in the foregoing preamble and for no other purpose.

SEC. 2. The school fund commissioners are hereby directed to invest, and from time to time reinvest said endowment fund and its unexpended accumulations in some safe interest-paying security, and from time to time pay over to the state treasurer the accumulations thereof.

SEC. 3. For the purpose of enabling said state school fund commissioners to invest and reinvest said endowment fund and its unexpended accumulations, the state treasurer is directed from time to time to pay the same out upon warrants drawn by said commissioners, and said state treasurer is also directed to pay out from time to time upon warrants drawn by the state librarian, from the interest and accumulations of

said endowment fund, sufficient money to pay for such books, charts and magazines as may from time to time be purchased by the state library committee, or by such person, board or officer as may be authorized by law; and so much of the accumulations of said sum of five thousand dollars as may be necessary for the purchase of such medical books, charts and magazines, is hereby appropriated for that purpose; and the said sum of five thousand dollars and its unexpended accumulations is hereby appropriated for investment as herein provided.

SEC. 4. The state librarian is hereby directed to receive and keep in the state library room all standard medical books, charts and magazines that may be purchased under the provisions of this act, subject to the same rules as to the use thereof, as are other books in said state library, which books are to be kept together, and shall be known as "The Stormont medical library." Said librarian is also directed to accept, in behalf of the state, and to keep in the same manner any and all other medical books, charts and magazines that may be donated to the state by Mrs. Jane C. Stormont, or by any other person or body, as a part of "The Stormont medical library."

SEC. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCXLII.

### SUGAR MILLS—ENCOURAGE ERECTION OF.

AN ACT to encourage the erection of mills and the manufacture of sugar and syrup out of sorghum cane, and authorizing townships and cities of the second and third class to subscribe for stock in sugar factories and to vote bonds therefor.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That any township or any incorporated city of <sup>May encourage.</sup> the second or third class in this state, for the purpose of encour-



Proviso.

Call election.

Notice.

aging the manufacture of sugar and syrup out of sorghum cane in their respective localities, may in the manner herein provided subscribe to the capital stock of incorporated companies organized to erect and operate public mills or factories for the purpose of manufacturing sugar and syrup from sorghum cane, and issue the bonds of such township or city so subscribing in payment therefor: *Provided*, The subscription of stock shall not exceed the sum of thirty thousand dollars for any city of the second class, nor the sum of fifteen thousand dollars for any city of the third class, nor the sum of fifteen thousand dollars for any township or village: *And provided further*, That the subscription of stock in the issuance of bonds shall not be made until the electors of any such township or city of the second or third class by a majority vote cast at some general or special election called therefor shall authorize the same, and the said election in townships shall be ordered by the township trustee, clerk and treasurer, and in any city of the second or third class by the mayor and council thereof, in such manner as may be provided by ordinance: *And provided further*, That before any such election shall be called or had, a majority of resident tax-payers of such township or a majority of the resident tax-payers of any city of the second or third class shall sign and have presented to the body hereby authorized to call or order such election, a petition setting forth the purpose and object of such election; and when any such petition is so presented to the trustee of a township he shall convene a meeting of the clerk and treasurer of his township to examine the said petition, and if in accordance with conditions herein prescribed they shall call the election as herein provided; and when such petition is presented to the mayor and council of any city of the second or third class, they may call or order an election as herein provided; and the elections as herein provided for shall be held according to the laws governing special elections. The ballots of those favoring the subscription of stock and the issuing of bonds shall have written or printed thereon the words, "For the bonds," and those opposed, the words, "Against the bonds;" and if in any such election a majority of the ballots cast is against the bonds, no subscriptions of stock shall be made and no bonds shall be issued. Notice of such election shall be given, if in a township, at least twenty-one days prior to the day fixed for such election, by posting up in conspicuous places in such

township and on the doors of school-houses ship, printed notices setting forth fully the purpose of such election and the day on which the same and cities of the second or the third class may of said election in a newspaper printed and published, and said notice shall set forth the purpose of said election.

SEC. 2. The bonds herein provided for shall be for sums of not less than one hundred dollars nor more than one hundred dollars each, payable in not less than ten nor more than twenty years from the date thereof, or payable in equal annual installments, said bonds shall bear interest at a rate not greater than seven per cent per annum with interest coupons attached, payable semi-annually on the first days of January and July of each year, and for township bonds, by the trustee and clerk, and for city bonds by the mayor and attested by the clerk thereof with the corporate seal of such city. The coupons, if of any other than township bonds, shall be signed by the trustee thereof, and if of city bonds, by the mayor and attested by the clerk thereof. A record book shall be provided, and a complete account of all proceedings relating to said bonds shall be kept, and when any bond is paid or canceled there shall be noted on such record, and then such bonds shall be canceled up: *Provided*, That said bonds shall not be deemed to be paid until the works are completed.

SEC. 3. Whenever it shall appear that the provisions of section four will not be sufficient, the township or city, or the mayor and council of any city that may issue bonds as herein provided for, shall levy each year such tax as shall be sufficient to pay the balance of the principal of such bonds as it falls due and a sinking fund for the redemption of such bonds when they become due, and certify the same to the county clerk of the proper county, who shall cause such levy on the tax-roll of the county, and the same shall be collected as other taxes are collected and paid by the township or city entitled to the same.

SEC. 4. That to make those who receive the benefit from the establishment of any mill for the manufacture of sorghum sugar bear the burden of such indebtedness it shall be the duty of any company or association to provide for the benefit of any bonds issued under the provisions of this act.

Proviso.

act to retain ten cents from the purchase-price of every ton of sorghum cane purchased for use in any such mill, and to pay the same over to the treasurer of the proper township or city and take duplicate receipts therefor, one of which receipts shall be delivered to the clerk of the township or city, as the case may be, and such clerk shall file and preserve such receipts in his office, and charge the amount to the treasurer receiving such money: *Provided*, That the company or association collecting the said ten cents per ton as herein provided for may, whenever the sum so retained or collected amounts to a sum equal to the face of one of the said bonds, deliver to such treasurer a bond with all undue coupons attached, or interest coupons in any amount that may be due, in lieu of the said money so retained, if it so elects to do; and in all cases, if the money is paid over to the treasurer, as herein provided, the same may be used to pay off any bond that may be due, or purchase any bonds at par that may be outstanding and offered for payment; and when any township or city has a sufficient sum in its treasury available to pay off any bonds with accrued interest, it shall do so, to the person presenting any such bond for payment, and in case there shall be a surplus at the close of any fiscal year the proper officers shall invest the same in good, approved municipal bonds or approved securities coming due not later than the bonds issued by said township or city under this act.

Proviso.

SEC. 5. Any township or city of the second or third class may if the electors so decide donate the stock secured from any company as herein provided for to said company, by making the ballots read "For the bonds and donation," and if a majority of the ballots cast have the words "For the bonds and donation" on them, then the said stock may be donated to said company: *Provided*, If the stock is not donated to the company to which the subscription was made, that the same may be sold at par, and the proceeds used to liquidate the bonds if any are outstanding, otherwise the proceeds shall go into the treasury of the township or the city entitled to the same as part of its general fund.

Public mills.

SEC. 6. That all property of sugar factories that have heretofore or may hereafter be erected in the state of Kansas shall be exempt from taxation until the year (1895) eighteen hundred and ninety-five.

SEC. 7. All sugar mills receiving aid as provided in this act

are hereby declared public mills, and shall manufacture sugar and syrup for customers who furnish cane, and may charge Charge toll. toll therefor not exceeding — of the sugar and syrup made from said cane, the yield of sugar and syrup to be determined by the methods of chemists applicable thereto: *Provided*, That Proviso. no factory shall be required to receive more cane than it has capacity to manufacture: *And provided*, That persons furnishing cane shall be allowed to deliver the same daily in amount proportioned to their several contracts: *Provided, however*, That the amount of toll to be paid must be agreed upon by and between the company and the person raising and delivering said cane, and prior to the time of planting said cane, and no company shall be required to receive any cane not contracted for prior to the time of planting.

SEC. 8. Before the bonds herein provided for shall be issued, the corporations to which the same is proposed to be issued shall execute and deliver to the trustee, clerk and treasurer of such township, or the mayor and council of such city, as the case may be, the paid-up capital stock of such corporation in an amount equal to the bonds so voted and the subscriptions so made, and in addition thereto a good and sufficient bond to be approved by such trustee, clerk and treasurer, or a majority of them, or by such mayor and council as the case may be, in double the amount of the bonds so voted, conditioned that all the proceeds of the bonds so voted, together with not less than fifty per cent. of the amount of such bonds in addition thereto, shall within a specified time to be stated in such bond and undertaking be actually invested in the erection and equipment of a plant for the manufacture of sugar on the most approved plan, and the purchase of the necessary machinery, stock and equipments for the manufacture of sugar in such township or city, or at a point contiguous thereto, to be agreed upon between the contracting parties thereto upon compliance by such corporation with the requirements of this section, the bonds so voted shall be delivered to it in exchange for such stock. Paid-up capital stock.

SEC. 9. Two or more townships or any city and township or townships may jointly use the proceeds of any bonds voted under the provisions of this act, and that nothing in this act shall require the sugar mill to be located within the limits of the township or city voting said bonds. Townships or city may.

SEC. 10. That the bonds voted under the provisions of this

act shall not be delivered or the proceeds thereof paid to any person, persons or corporations unless said person, persons or corporations shall have first put into the buildings and machinery of any such sugar factory a sum equal to two-thirds of the amount of the bonds so voted.

SEC. 11. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCXLIII.

### SUGAR—BOUNTY ON.

AN ACT relating to bounty on sugar, and amendatory of sections three and six, chapter two hundred and thirty-one of the laws of 1887.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That sections three and six of chapter two hundred and thirty-one of the laws of 1887 be amended so as to read as follows: Section 3. The total sum of money so to be audited and paid under the provisions of this act shall not in any one year exceed the sum of forty thousand dollars; and in case the bounty, at the rate provided in section one, shall in any one year exceed said sum of forty thousand dollars, then and in that case each of the claimants under this act shall receive and be paid a pro-rata proportion of said sum, to be paid at the time and in the manner herein provided. Section 6. This act shall continue in force for seven years, and shall take effect from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXLIV.

### SUPREME COURT REPORTS—PURCHASE OF ANNOTATED REPRINTS OF.

AN ACT in relation to the purchase of annotated reprints of the Supreme Court Reports.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The secretary of state is hereby authorized and directed to purchase from the George W. Crane Publishing Company such number of volumes of the annotated reprints of the supreme court reports as are not now in the state library, and may be necessary to keep up the exchanges of the state librarian, and supply the public officers and offices now by law entitled to the supreme court reports.

SEC. 2. Such purchase shall be made not to exceed two hundred copies of each volume, at a price not to exceed \$2 per volume, which copies, when purchased, shall be delivered to the state librarian, who shall distribute them in such manner as is now provided by law for distribution of the regular edition.

SEC. 3. This act shall take effect and be in force from and after its passage, and publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 23, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCXLV.

## SUPREME COURT—RELATING TO PROCEEDINGS IN.

AN Act relating to proceedings in the Supreme Court, and defining what cases on appeal and in error in civil actions shall be certified to said court.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. No appeal or proceeding in error shall be had or taken to the supreme court in any civil action unless the amount or value in controversy, exclusive of costs, shall exceed one hundred dollars (\$100), except in cases involving the tax or revenue laws, or the title to real estate, or an action for damages in which slander, libel, malicious prosecution or false imprisonment is declared upon, or the constitution of this state, or the constitution, laws or treaties of the United States, and when the judge of the district or superior court trying the case involving less than one hundred dollars (\$100) shall certify to the supreme court that the case is one belonging to the excepted classes.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCXLVI.

### SUPREME COURT COMMISSIONERS—PROVIDE FOR APPOINTMENT OF.

AN ACT to provide for the appointment of three (3) commissioners, to be known as Commissioners of the Supreme Court, and to provide for their compensation.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The governor of the state of Kansas, by and with the consent of the senate, upon and after the taking effect of this act shall appoint three persons, citizens of the state, of high character for legal learning and personal worth, as commissioners of the supreme court. It shall be the duty of said commissioners, under such rules and regulations as said court may adopt, to aid and assist the court in the performance of its duties in the disposition of the numerous cases pending in said court. The said commissioners shall hold office for the term of three (3) years from and after the first day of March, 1890, during which time they shall not engage in the practice of law. They shall each receive a salary equal to the salary of a judge of said court, payable at the same time and in the same manner. Before entering upon the discharge of their duties they shall each take an oath to support the constitution of the United States and the constitution of the state of Kansas, and to faithfully discharge the duties of the office of commissioner of the supreme court to the best of their ability. All vacancies in said commission shall be filled in like manner as the original appointment.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*



## CHAPTER CCXLVII.

SUPREME COURT REPORTS—PROVIDE FOR PUBLICATION,  
ETC., OF.

AN ACT to provide for the publication of the Reports of the Supreme Court, and to regulate the sale and exchange of said reports and the disposal of the proceeds thereof; and to repeal chapter one hundred and four of the Session Laws of 1874, and chapter one hundred and forty-eight of the Session Laws of 1879.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The cases decided by the supreme court of this state which the court deem of sufficient importance to be published shall be prepared by the reporter and delivered to the state printer, who shall as speedily as possible print and publish two thousand copies of each volume of the supreme court reports, and deliver the same to the state librarian: *Provided*, That no volume shall contain less than seven hundred and fifty pages, including the index.

SEC. 2. The reporter shall cause each volume of reports hereafter published to be copyrighted for the use and benefit of the state of Kansas; and all papers and certificates relating to such copyright shall be filed and preserved in the office of the secretary of state.

SEC. 3. The state printer shall hereafter deliver the whole number of copies of reports of the supreme court required to be published to the state librarian as soon as completed; and when the whole edition of any volume shall be so delivered, the librarian shall certify that fact to the secretary of state, who shall thereupon ascertain the amount due the state printer therefor, and audit and certify the same to the auditor of state for payment.

SEC. 4. The state librarian shall, when the reports are delivered, use so many thereof as may be necessary to keep up the exchanges of the state of Kansas with other states, territories, societies and institutions as now required by law. He shall also mark for the state library thirteen copies, one of which he shall place in each of the judges' and supreme court commissioners' rooms, one in the judges' consultation room, one in the supreme court room, one in the attorney general's office; two he shall keep in the library for public use, and two

he shall set apart for the use of the two judiciary committees of the legislature. He shall deliver one copy to each of the following officers: the justices and commissioners of the supreme court, the judges of the district courts, the governor, the attorney general, the secretary of state, the clerk of the supreme court, the auditor of state, the treasurer of state, the superintendent of public instruction, the superintendent of insurance, the secretary of the state historical society, the board of railroad commissioners, the library of the state university, the library of the state normal school, and the library of the state agricultural college; to the reporter of the supreme court five copies, and two additional copies to be placed in the library of congress to complete the copyright of said reports; and he shall deliver to the secretary of state one copy for each organized county of the state, to be by him delivered to the clerks of the district courts of said counties. And the librarian shall not distribute any report to any other person or for any other purpose, but shall be personally responsible for the balance of said reports, and such balance of said reports shall be sold by said librarian at two dollars and fifty cents per volume.

SEC. 5. All moneys arising from the sale of reports of the supreme court, and all moneys hereafter paid in on such account, shall be turned into the state treasury to be credited to the general fund.

SEC. 6. It shall be the duty of the librarian to state in his biennial report the number of each volume of the supreme court reports on hand and belonging to the state at the time of closing his preceding report, the number since sold or exchanged, the amount received therefor, the number of books, pamphlets, reports and other documents purchased for the library during the past two years, and the cost of each.

SEC. 7. Chapter one hundred and four of the session laws of 1874, and chapter one hundred and forty-eight of the session laws of 1879, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCXLVIII.

### TAX DEEDS.

AN ACT concerning tax deeds.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. In any case where any purchaser at any tax sale shall purchase more than one parcel or tract of land or lots, he may require the county clerk to include all such lands or lots in one deed, stating the amount of tax, interest and penalty for which each separate tract is sold and conveyed, the sum of which separate amounts shall be the gross or aggregate consideration of the deed; and in addition to the fee for any such deed, the county clerk shall be allowed the sum of five cents for each piece of land or lot so included in any deed.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 16, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCXLIX.

### TAXATION—PROPERTY EXEMPT FROM.

AN ACT relating to property exempt from taxation, and amendatory of section 3 of chapter 34 of the Session Laws of 1876, entitled "An act to provide for the assessment and collection of taxes."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 3 of chapter 34 of the session laws of 1876 be amended so as to read: Sec. 3. That the property described in this section, to the extent herein limited, shall be

exempt from taxation: *First*, All buildings used exclusively as places of public worship, as public school-houses, or both, with the furniture and books therein contained and used exclusively for the accommodation of schools and religious meetings, together with the grounds owned thereby, not exceeding in any one case ten acres if not leased or otherwise used with a view to profit, and also any parsonage or dwelling owned by any church society and occupied by its pastor as a residence, together with the ground on which it is situated, not exceeding in any one case one-half of an acre. *Second*, All lands used exclusively as graveyards. *Third*, All buildings and parts of buildings belonging to scientific, literary and benevolent associations used exclusively for scientific, literary or benevolent purposes, together with lands, not exceeding five acres, occupied by such institutions and attached thereto, if not leased or otherwise used with a view to profit, and all books, papers, furniture, apparatus and instruments belonging to such associations, and used exclusively for scientific, literary and benevolent purposes. *Fourth*, All moneys and credits belonging exclusively to universities, colleges, academies or public schools of any kind, or to religious, literary, scientific or benevolent and charitable institutions or associations, appropriated solely to sustain such institutions or associations not exceeding in amount or in income arising therefrom the limit prescribed by the charter of such institution or association. *Fifth*, All property belonging exclusively to this state or to the United States. *Sixth*, All property belonging exclusively to any county, city, town or school district, except lands bid off for counties or cities at tax sales. *Seventh*, All works, machinery and fixtures belonging to and owned by any town, city or village, and used exclusively for conveying water to such town, city or village. *Eighth*, All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe-keeping thereof and for the meeting of fire companies, whether belonging to any town, city or village or to any fire company organized therein. *Ninth*, Personal property to the amount of two hundred dollars for each family. *Tenth*, The wearing apparel of every person. *Eleventh*, All public libraries. *Twelfth*, Family libraries and school books of every person and family not exceeding in value in any one case of fifty dollars.

Public worship.

Graveyards.

Scientific associations.

Money.

State property.

Fixtures.

Personal property.

Libraries.

SEC. 2. Original section three of chapter thirty-four of the

session laws of eighteen hundred and seventy-six is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCL.

### TAXES—COLLECTION OF, IN LEOTI CITY.

AN ACT authorizing the Township Trustee of Leoti township, Wichita county, to list and assess the real property within the corporate limits of Leoti City, and providing for extension and collection of taxes thereon.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The township trustee of Leoti township, Wichita county, state of Kansas, is hereby authorized and empowered to list and assess all the taxable real property within the corporate limits of the city of Leoti City, in said township, on the first day of March, A. D. 1889.

SEC. 2. Such list and assessment shall be made in the same manner and form as now provided by law for the listing and valuation of real property in other cases, and returns thereof duly verified, together with abstracts of lands, shall be by the township trustee returned to the county clerk of said Wichita county on or before the tenth day of May, 1889.

SEC. 3. For all purposes of taxation the assessment made under and by virtue of this act shall be used instead and in place of the assessment of real property in said Leoti City made in the year 1888, and taxes shall be extended thereon and collected as in ordinary cases.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLI.

### TAXES IN HAMILTON COUNTY.

AN ACT in relation to taxes in Hamilton county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the assessments returned by the several township trustees of Hamilton county, Kansas, for the years 1886, 1887 and 1888, be and the same are hereby legalized.

SEC. 2. That the levies of taxes for county and other purposes made for the years 1886, 1887 and 1888 by the present board of county commissioners of Hamilton county, Kansas, and their predecessors in office, be and the same are hereby legalized.

SEC. 3. That the tax-rolls now in the hands of the county treasurer of Hamilton county, made by the present county clerk of said county for the years 1886, 1887 and 1888, be and the same are hereby legalized and declared to be the true and proper tax-rolls of said county.

SEC. 4. That the remission of taxes heretofore made by said board of county commissioners of Hamilton county for the years 1886 and 1887 be and the same is hereby legalized, and the said board of county commissioners is hereby authorized and empowered to remit one-half of all the unpaid taxes on the real property in said county for the years 1886 and 1887: *Provided*, That where payment has heretofore been made in full of the taxes for those years the owner of the land shall, as hereinafter provided, be entitled to a credit on the taxes on the same property for the year 1888 and subsequent years to the amount paid by him or his grantors in excess of one-half of said taxes. The application for such credit shall be made to the board of county commissioners of said

county at any regular or special meeting of said board prior to the 20th day of June, 1889, and upon evidence satisfactory to said board the county clerk of said county shall immediately upon the allowance by said board of any credit, as above provided, certify to the county treasurer of said county a copy of said allowance: *And provided further*, That the amount actually received for the taxes for either of said years shall be distributed to the several funds entitled thereto, in proper proportion as shown by the tax-rolls.

SEC. 5. That no penalty for the non-payment of taxes for the years 1886, 1887 and 1888 shall be added thereto against any of the property in said county until June 20th, 1889, at which time all taxes for said years which shall remain due and unpaid shall be subject to have added a penalty of five per cent.

SEC. 6. That all real estate in the county of Hamilton on which the taxes for the years 1886, 1887 and 1888 shall not have been paid on or before the 20th day of June, 1889, shall be subject to sale at the time and in the manner provided by law for the sale of lands subject to sale for the non-payment of the taxes for the year 1888: *Provided*, That when any tract of real estate shall be delinquent for the taxes for more than one year, it shall be sold for all the taxes and charges due and unpaid thereon.

SEC. 7. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 14, 1889. WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCLII.

### TAX LEVY—BURRTON TOWNSHIP, HARVEY COUNTY, AUTHORIZED TO VOTE ON.

AN Act to authorize Burrton township, Harvey county, Kansas, to vote on the question of a tax levy for the purpose of building a wagon-road through the sand-hills in said township, and extending into Alta township, in said county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the county commissioners of Harvey county, Kansas, are hereby authorized to levy a sufficient tax on the real estate and personal property of Burrton township, to raise a fund not to exceed four thousand dollars for the purpose of constructing and maintaining a wagon-road through the sand-hills north of the city of Burrton, in said township, and extending into Alta township one mile or more: *Provided*, That said commissioners are not empowered to make such levy until an election has been held as hereinafter provided.

Commissioners may.

Provided.

SEC. 2. That whenever there is presented to the board of county commissioners a petition for a tax levy for this purpose, signed by two-fifths of the resident tax-payers of said township, the board shall within thirty days thereafter, at a special election to be by them called for that purpose, submit to the qualified voters of such township the question whether such township shall vote to have such tax levied for the construction and maintenance of a wagon-road in said township, as set forth in section one of this act; and if at such election a majority of the votes cast shall be in favor of such levy, the same shall be levied as hereinafter provided.

SEC. 3. At least twenty days' notice shall be given by publication in a newspaper of general circulation in said township of the time and place of holding such election, which notice shall state the amount and purpose for which said tax levy is to be voted; and at such election all ballots having written or printed thereon "For the tax levy for the construction and maintenance of wagon-road" shall be counted in favor of the construction and maintenance of a wagon-road, and all ballots having written or printed thereon "Against the tax levy for the construction and maintenance of a wagon-road" shall be

Notice.



counted against the construction and maintenance of a wagon-road; which election shall be held and the result thereof be certified, returned, canvassed and declared the same as in general elections.

Levy tax.

SEC. 4. In case the result of such election shall be in favor of the tax levy for the construction and maintenance of a wagon-road, the commissioners of said county at their next annual meeting held for such purposes shall levy a tax on the property of said township sufficient to raise a sum not exceeding two thousand dollars, and the next year thereafter they shall make another levy to raise a sum not exceeding two thousand dollars.

SEC. 5. The township trustee, clerk and treasurer of said township are hereby fully authorized and empowered to enter into any contract necessary to carry into effect the provisions of this act.

Town warrants.

SEC. 6. The township trustee, clerk and treasurer of said township are authorized to proceed with the construction of said road as soon after they are authorized to do so by the voters of said township as they think the interests of the taxpayers demand. They shall in payment for said construction issue township warrants drawing not over ten per cent. interest, and payable on or before two years from date, said warrants to show for what work done, or material furnished, and by whom.

SEC. 7. On the collection of said tax levy by the county treasurer, he shall turn the same over to the township treasurer, where it will be available for the purpose of taking up the warrants mentioned in the preceding section.

SEC. 8. This act shall be in force and take effect from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCLIII.

### LEVY A TAX—GRANT TOWNSHIP, CRAWFORD COUNTY, AUTHORIZED TO.

AN Act entitled "An act to enable Grant township, in Crawford county, Kansas, to levy a tax on the taxable property of said township sufficient to purchase a site and erect a hall thereon, the cost of which not to exceed the sum of five hundred dollars."

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The trustee of Grant township, in Crawford county, is hereby authorized to levy a tax on all the taxable property in said township of Grant, in Crawford county, sufficient to purchase a site and to build a township hall thereon ; said town hall to cost not exceeding five hundred dollars : *Provided*, Said tax shall not be levied until the question of levying the same shall have been submitted to the qualified electors of said Grant township, in Crawford county, Kansas, at an election held for that purpose, which election shall be conducted in conformity with the general election laws of the state of Kansas.

SEC. 2. After the levy and collection of said taxes, the same shall be expended by the township board of said Grant township as required by law in such cases made and provided.

SEC. 3. This act shall be in force and take effect from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office and that the same was published in the official state paper March 5, 1889.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCLIV.

### TIMBER—ENCOURAGE THE PLANTING AND GROWING OF.

AN ACT to encourage the planting and growing of timber.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That it shall be lawful for the board of county commissioners in any county in this state to offer a bounty to any person in said county who shall hereafter plant one or more acres of land with forest trees, and properly cultivate the same for five years, in any sum not to exceed ten dollars, for five years, for each acre so planted and cultivated: *Provided*, That trees so planted shall not be at a greater distance than ten feet apart each way, and shall be kept in a live, thrifty, growing condition for at least five years after being planted before said bounty shall be due and payable: *And provided further*, That the provisions of this act shall not apply to lands held as timber-culture entries under any of the timber-culture laws of the United States.

SEC. 2. Any person claiming the bounty under this act shall make proof before the county commissioners that he has complied with section 1 of this act, and that the trees planted by him are in a healthy and growing condition.

SEC. 3. Upon satisfactory proof of the compliance with this act, the board of county commissioners may issue to the person entitled thereto a warrant upon the county treasurer as in other cases for the amount due under the offer made by the board.

SEC. 4. The board of county commissioners desiring to offer the bounty herein provided for shall do so by resolution, to be made of record, and giving notice in some newspaper published in the county three weeks prior to the first day of April of each year; said resolution and notice to state the amount of bounty offered for each acre planted and cultivated.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 15, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLV.

### TITLE NOTES—REGULATE THE RECORDING OF.

AN ACT entitled "An act to regulate the recording of title notes or evidences of conditional sales."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That any and all instruments in writing, or promissory notes, now in existence or hereafter executed, evidencing the conditional sale of personal property, and that retains the title to the same in the vendor until the purchase-price is paid in full, shall be void as against innocent purchasers, or the creditors of the vendee, unless the original instrument, or a true copy thereof, shall have been deposited in the office of the register of deeds in and for the county wherein the property shall be kept, and when so deposited shall be subject to the law applicable to the filing of chattel mortgages; and any conditional verbal sale of personal property reserving to the vendor any title in the property sold shall be void as to creditors and innocent purchasers for value.

SEC. 2. All acts or parts of acts in conflict with section 1 of this act shall be and are hereby repealed.

SEC. 3. This act shall take effect and be in force on and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLVI.

### TOBACCO, OPIUM, ETC.—PROHIBITING THE SELLING OF. TO MINORS.

AN Act prohibiting the selling, giving, or furnishing of tobacco, opium, or other narcotics in any form, to minors under sixteen (16) years of age.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That it shall be unlawful for any person or persons in this state to sell, give or furnish any cigar, cigarette, or tobacco in any form, opium or any other narcotic in any form, to any minor under sixteen (16) years of age.

SEC. 2. The violation of any provision under this act shall constitute a misdemeanor, and any person found guilty thereof shall be fined in any sum not less than five (\$5) dollars nor exceeding twenty-five (\$25) dollars for each and every such offense.

SEC. 3. The provisions of this act shall not apply to the sale of any narcotic made upon the prescription of a regular practicing physician.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 5, 1889.      WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCLVII.

### TRUSTS AND COMBINATIONS IN RESTRAINT OF TRADE AND PRODUCTS—PENALTIES.

**An Act to declare unlawful trusts and combinations in restraint of trade and products, and to provide penalties therefor.**

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all arrangements, contracts, agreements, trusts or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation or sale of articles imported into this state, or in the product, manufacture or sale of articles of domestic growth or product of domestic raw material, or for the loan or use of money, or to fix attorneys' or doctors' fees, and all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price or the cost to the producer or to the consumer of any such products or articles, or to control the cost or rate of insurance, or which tend to advance or control the rate of interest for the loan or use of money to the borrower, or any other services, are hereby declared to be against public policy, unlawful, and void.

All combinations.

SEC. 2. It shall not be lawful for any corporation to issue or to own trust certificates, other than the regularly and lawfully authorized stock thereof, or for any corporation, agent, officer or employes, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use, or consumption, or to prevent, restrict or diminish the manufacture or output of any such article.

Corporations.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination, or who shall,

All persons.

of their transactions as they may require, and otherwise do such clerical and executive work as may from time to time be directed by the board, and who shall at all times be under the immediate direction and authority of the chancellor, except as otherwise explicitly directed by the laws of the state or the requirements of the board. The said secretary and treasurer before he enters upon the duties of his office shall give bond in such sum and with such sureties as the board may direct, and which shall be approved by the executive council, and deposited in the office of the secretary of state.

Chancellor.

SEC. 8. The regents shall elect a chancellor, who shall be the chief officer of the University, the head of each department thereof, and president of the board of regents, with the full powers of a regent, and whose duties and powers otherwise than prescribed in this act shall be prescribed by the board of regents. They shall also appoint the professors, assistants and tutors, and may increase and diminish their number as the interests of the University may require. They shall also employ a janitor, librarian, and such other officers and employes as in their judgment the needs of the University require. And the said chancellor, professors, assistants, tutors and all other officers and employes of the University shall hold their places at the pleasure of the board, and shall receive such compensation as they may prescribe.

Under control of.

SEC. 9. The several departments of the University shall be under the immediate control and government of the chancellor and their respective faculties. The board of regents shall have power to prescribe by-laws not inconsistent with the laws of the state, to regulate the course of instruction, and, with the advice of the chancellor and the several faculties, prescribe the books, authorities and apparatus to be used in the several departments. The regents shall also, with the chancellor and faculties, confer such degrees as in their judgment they shall deem best. But no strictly honorary degree without corresponding literary or scientific attainments shall ever be granted by the University. Due regard shall be paid to the wants of such pupils as may desire to select a particular course of study not laid down in the curriculum, and every advantage and assistance not conflicting with the regular work of the University shall be given to such as may wish to pursue special branches of learning for which no corresponding degree is provided; and special degrees may be conferred for high at-

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tainments therein. There shall be established at least four courses in the University, and for the completion of which corresponding degrees shall be conferred; and post-graduate courses may be established in either department of the University, and corresponding degrees may be conferred for graduation therefrom.

SEC. 10. After the close of the University year in 1891 the elementary courses and instruction to prepare students for admission to the University shall cease therein, and all admissions to the regular University courses shall be upon examination or certificate from some high or preparatory school where courses of study have been established for the purpose of preparing students for admission into the freshman classes of the University. Admission.

SEC. 11. Admission into the University shall be free to all the inhabitants of the state, but a sufficient fee shall be required from non-resident applicants, to be fixed by the board of regents; and no person shall be debarred on account of age, race, or sex.

SEC. 12. The board of regents shall on or before the first day of September preceding the regular session of the legislature report to the governor, setting forth in brief the affairs of the University, its condition, the branches taught, the amount of its receipts and expenditures, the number of professors, assistants, tutors, officers and employés, and the compensation of each; also the number of students in the several schools, together with an estimate of the expenses for the ensuing biennium, and such other information as they may deem important or the superintendent of public instruction may require. Regents' report.

SEC. 13. The board of regents shall receive no other compensation except for their necessary and actual expenses, to be paid upon itemized and verified statements.

SEC. 14. To provide funds for the current expenses of the University, and for buildings and repairs, library and apparatus, and for any geological survey or scientific work which may be conducted under the auspices of the University for the benefit of science or the state, there shall be made for the fiscal year ending June 30, 1891, and annually thereafter, and which shall be in lieu of all other appropriations, a sufficient levy by the proper officers to create a fund of seventy-five thousand dollars per annum, which shall be levied and col- Funds for.



lected in the same manner as are other state taxes, and which shall be known as the "current University fund;" and all sums not expended for the purposes above set forth arising from the current University fund shall be annually paid into the permanent University fund; and said permanent University fund shall at no time be diminished for any purpose whatever; and whenever any gift, devise or bequest shall be granted to the University, the principal amount or proceeds thereof shall be made a part of the permanent University fund, unless otherwise expressly directed by the donor.

SEC. 15. Chapter 105 of the session laws of 1864, entitled "An act to organize the University of the state of Kansas;" also, all such parts of chapter 135 of the session laws of 1873, entitled "An act entitled 'An act to provide for the appointment of regents and trustees for the control of the public institutions of the state, and defining certain powers thereof,'" as relate, or in any manner appertain to the University of Kansas; also, the proviso of section 1, chapter 28, of the session laws of 1876, which relates to the establishing of a normal department in the University; also, section 5 of chapter 104 of the session laws of 1866, which pertains to the treasurer of the University; also, chapter 151 of the session laws of 1885, relating to a chair of pharmacy in the University; also, all such sections, parts or paragraphs of sections of chapter 180 of the session laws of 1876, as relate or in any manner appertain to the University of Kansas, are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper Feb. 27, 1889.

WILLIAM HIGGINS, *Secretary of State*.

## CHAPTER CCLIX.

### UNIVERSITY OF KANSAS—PROVIDE FOR EXPENSES, &c., OF.

AN ACT to provide for the current expenses of the University of Kansas for the fiscal year ending June 30, 1890, and the fiscal year ending June 30, 1891; and further, to provide for apparatus and the enlargement of the library, and to complete the repair of the foundations of the main building.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the state treasury not otherwise appropriated, to the State University for the fiscal year ending June thirtieth, eighteen hundred and ninety, and the fiscal year ending June thirtieth, eighteen hundred and ninety-one, for the purposes hereinafter mentioned:

For the fiscal year ending June thirtieth, eighteen hundred and ninety: For salary of chancellor, three thousand dollars; for salary of professor of natural history, two thousand five hundred dollars; for salary of dean of department of law, two thousand five hundred dollars; for salaries of thirteen professors, twenty-four thousand dollars; for salary of dean of department of music, six hundred dollars; for salaries of eleven assistants, nine thousand two hundred dollars; for salary of librarian and assistant, eight hundred dollars, each of whom shall be a student of the University to be selected by the regents; for salary of clerk, book-keeper and treasurer, one thousand two hundred dollars; for salaries of superintendent, engineer and janitors, two thousand nine hundred dollars; for fuel, lights and fireman, two thousand and eighty dollars; for engineer and mechanic-electrical engineering, nine hundred dollars; for night watchman, five hundred and forty dollars; for care of the grounds, four hundred dollars, which work shall be performed by students attending the University; for labor in laboratories, five hundred dollars; for chemicals, five hundred dollars; for additions to cabinets in natural history, five hundred dollars; for maps, charts and illustrative apparatus, five hundred dollars; for advertising, printing labels, and postage, five hundred dollars; for care of meteorolo-

logical apparatus, weather observations, and printing reports, two hundred and fifty dollars; for care of museums and collection of specimens, five hundred dollars; for geological museum, collection and preparation of specimens, five hundred dollars; for labor in taxidermy, six hundred dollars; for water supply, five hundred dollars; for janitors' supplies and material, five hundred dollars; for office expenses, such as freight, expressage, stationery, etc., five hundred dollars; for steam-heating repairs, three hundred dollars; for blackboards, one hundred dollars; for additions to the library, five thousand dollars; for apparatus in the department of chemistry, two hundred and fifty dollars; for apparatus in the department of pharmacy, one hundred and fifty dollars; for apparatus in the department of physics and electrical engineering, one thousand dollars; for microscopes and accessories and for charts, etc., in the department of natural history, three hundred dollars; for cabinet cases in the department of natural history, one thousand dollars; for water tank in Snow hall, one hundred and seventy-five dollars; for fire hose, stand-pipes, reels, etc., in all the buildings, one thousand dollars; for repairing foundation of main building, four thousand dollars; for tools and supplies in taxidermy, three hundred dollars; for drain pipe, north side of boiler-house, sixty dollars; for carpet for rostrum, University hall, ninety dollars; for matting, two hundred and thirty dollars; for coal-house, car and tracks, five hundred dollars; for assistant professor of law department, twelve hundred dollars, to be paid out of fees received in said department.

That there is hereby appropriated for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, out of the levy provided by law for the government and maintenance of the University of Kansas, the sum of seventy-five thousand dollars.

SEC. 2. The auditor of state is hereby authorized to draw his warrants on the treasurer of state for the purposes and amounts specified in this act, or so much thereof as may be necessary to liquidate all such claims as may be presented to him: *Provided*, That no account shall be audited unless an itemized statement is furnished, verified by affidavit, showing that said appropriations are to be applied for the specific purposes only for which they were appropriated.

SEC. 3. In all cases in which by the provisions of this act

appropriations are made for specific purposes named or causes stated, the officer or person having charge of such appropriation shall in no case, by any contract, act, or proceeding, obligate the state of Kansas at any time to pay a larger sum than is herein specifically appropriated.

SEC. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCLX.

### VACATE CARR'S ADDITION, TOPEKA.

AN ACT to vacate Carr's addition to the city of Topeka, Shawnee county, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That Carr's subdivision to the city of Topeka, being a part of the south half of the south half of the southwest quarter of section nine, township eleven, range sixteen, in Shawnee county, Kansas, be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 20, 1889. WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCLXI.

### VACATE PARTS OF CERTAIN TOWN-SITES.

AN ACT to vacate portions of certain town-sites in the State of Kansas therein named.

*Be it enacted by the Legislature of the State of Kansas:*

Speareville.

SECTION 1. That all that part or the Arkansas Valley Town and Land Company's addition to the town of Speareville, Ford county, Kansas, lying south of the south line of Leidigh avenue; also all that part lying west of the west line of Sophy street, is hereby vacated.

Alexander.

SEC. 2. That all that part of the town of Alexander, Rush county, Kansas, lying south of the south line of right-of-way of the Chicago, Kansas & Western railroad, except Main street; also all that part lying north of the north line of Williams avenue; also all that part lying east of the east line of Herman street; also all that part lying west of the west line of Johnson street, is hereby vacated.

Alamota.

SEC. 3. That all that part of the town of Alamota, Lane county, Kansas, lying north of the north line of Dow street; also all that part lying west of the west line of Goddard street; also all that part lying east of the east line of Smith street; also all that part lying south of the south line of right-of-way of the Chicago, Kansas & Western railroad, is hereby vacated.

Abilene.

SEC. 4. That all that part of the Arkansas Valley Town and Land Company's addition to the city of Abilene, Dickinson county, Kansas, lying south of the south line of Second street and east of the east line of Bonebrake avenue, is hereby vacated.

Abbyville.

SEC. 5. That all that part of the town of Abbyville, Reno county, Kansas, lying north of the north line of Avenue D; also all that part lying west of the west line of Florence street; also all that part lying south of the south line of Avenue G; also all that part lying east of the east line of Ricksecker street, is hereby vacated.

Aurora.

SEC. 6. That all that part of the town of Aurora, Osage county, Kansas, lying west of the west line of Cochran street; also all that part lying east of the east line of Wilson street;

also blocks five, eight, fifteen, the west half of block sixteen, all of block seventeen, the north half of block twenty, all of blocks twenty-one and twenty-two, is hereby vacated.

SEC. 7. That all that part of the town of Barstow, Cowley <sup>Barstow.</sup> county, Kansas, platted as blocks one, two, the west half of block three, the east half of block five, all of blocks six, seven, eight, the east half of block nine, all of block eleven, the west half of block twelve, all of blocks fourteen, fifteen, sixteen, seventeen and nineteen, is hereby vacated.

SEC. 8. That all that part of the town of Belpre, Edwards <sup>Belpre.</sup> county, Kansas, lying north of the north line of right-of-way of the Chicago, Kansas & Western Railroad; also all that part lying west of the west line of West street; also all that part lying south of the south line of Hudson avenue; also all that part lying east of the east line of Olive street; also all of blocks thirteen and sixteen, is hereby vacated.

SEC. 9. That all that part of the town of Burdick, Morris <sup>Burdick.</sup> county, Kansas, lying north of the north line of Owens avenue, except Main street; also all that part lying south of the southerly line of right-of-way of the Chicago, Kansas & Western railroad, is hereby vacated.

SEC. 10. That all that part of the town of Bolton, Montgomery <sup>Bolton.</sup> county, Kansas, lying south of the south line of right-of-way of the Chicago, Kansas & Western railroad; also all that part lying east of the east line of Bolt street; also all that part lying north of the north line of Archer avenue, excepting those parts known and described in the recorded plat of said town as Main street and Barnes avenue, which said streets shall remain as public highways; also that all that part lying west of the west line of Hill street, is hereby vacated.

SEC. 11. That all that part of the town of Bismarck, Wa- <sup>Bismarck.</sup> baunsee county, Kansas, lying north of the north line of Seely avenue, is hereby vacated.

SEC. 12. That the town site of Bazar, Chase county, Kan- <sup>Bazar.</sup> sas, is hereby vacated.

SEC. 13. That all that part of the town of Cassoday, But- <sup>Cassoday.</sup> ler county, Kansas, lying southeast of the southerly line of August avenue; also all that part lying northeast of the easterly line of Bowman street; also all that part lying northwest of the northerly line of right-of-way of the Chicago, Kansas & Western railroad; also all of blocks one, two, thirteen and fourteen, is hereby vacated.

Cassody.

SEC. 14. That all that part of the town of Cassody, Stafford county, Kansas, lying east of the east line of Wilbur street; also all that part lying north of the north line of Avenue D; also all that part lying west of the west line of Logan street, is hereby vacated.

Cimarron.

SEC. 15. That all that part of the town of Cimarron, Gray county, Kansas, lying west of the west line of Eighth street; also blocks thirty, thirty-one, forty-three, forty-four, forty-nine, fifty-four, fifty-seven, fifty-eight, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy, seventy-one, seventy-two, seventy-four, seventy-seven, seventy-eight, eighty-two, eighty-three, eighty-four, and one hundred and three, is hereby vacated.

Ellen.

SEC. 16. That all that part of the town of Ellen, Lane county, Kansas, lying north of the north line of First avenue, is hereby vacated.

Grover.

SEC. 17. That all that part of the town of Grover, Douglas county, Kansas, lying south of the south line of Chase avenue, is hereby vacated.

Kilmer.

SEC. 18. That all that part of the town of Kilmer, Shawnee county, Kansas, lying west of the west line of Avenue C, is hereby vacated.

Kendall.

SEC. 19. That all that part of the town of Kendall, Hamilton county, Kansas, lying south of the south line of Kansas avenue; also all that part lying northeast of the northerly line of Avenue E; also all of blocks twenty-two, twenty-three, the west half of block twenty-four, all of blocks twenty-five, twenty-six, twenty-seven, twenty-eight, thirty, the west half of block thirty-one, the west half of block thirty-two, the east half of block thirty-three, all of block thirty-five, the west half of block thirty-eight, the east half of block thirty-nine, the west half of block forty, all of blocks forty-one, forty-three, forty-six, forty-seven, forty-eight, forty-nine, seventy-nine and eighty, is hereby vacated.

Kent.

SEC. 20. That the town-site of Kent, Reno county, Kansas, is hereby vacated.

Lehigh.

SEC. 21. That all that part of the town of Lehigh, Marion county, Kansas, lying northeast of the easterly line of North avenue; also the west half of block seven, all of blocks thirteen, sixteen, seventeen, eighteen, thirty-two and thirty-three, is hereby vacated.

Lakin.

SEC. 22. That all that part of the town of Lakin, Kearny

county, Kansas, lying west of the westerly line of Hamilton street; also all that part lying northwest of the northerly line of Kingman avenue; also all of blocks thirty, thirty-one, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, the west half of block forty, and the east half of block forty-one, all of blocks forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, the east half of block forty-nine, all of blocks fifty, fifty-one, sixty, sixty-one, sixty-seven, and ninety-one, is hereby vacated.

SEC. 23. That all that part of the town of Little River, Little River. Rice county, Kansas, lying southwest of the south line of Walker avenue; also the east half of block nine, the west half of block ten, all of block sixteen, the east half of block seventeen, the west half of block twenty-eight, all of blocks thirty, thirty-five, the east half of block thirty-six, all of blocks thirty-eight, thirty-nine, forty, the west half of block forty-three, all of blocks forty-four, forty-five, fifty-six, and fifty-seven, is hereby vacated.

SEC. 24. That all that part of the town of Partridge, Partridge. Reno county, Kansas, lying west of the west line of Dilley street; also the west half of block eight, the west half of block twenty, all of block twenty-four, the west half of block twenty-five, the east half of block twenty-six, all of blocks twenty-nine, thirty-six, thirty-seven, thirty-eight, thirty-nine, the west half of block forty-three, all of blocks forty-four, forty-five, forty-nine, and fifty-three, is hereby vacated.

SEC. 25. That all that part of the town of Richards, Richards. Chase county, Kansas, lying east of the east line of right-of-way of the Chicago, Kansas & Western railroad; also all that part lying west of the westerly line of Largent avenue; also blocks two, three, fourteen, fifteen, sixteen, eighteen and nineteen, is hereby vacated.

SEC. 26. That all that part of the town of Sherlock, Sherlock. Finney county, Kansas, lying west of the west line of Henderson street; also all that part lying east of the east line of Blaine street; also all of blocks eight and nine, is hereby vacated.

SEC. 27. That all that part of the town of South Ada, South Ada. Ottawa county, Kansas, platted as blocks two, five, eight, eighteen, thirteen, fourteen, nineteen, twenty-two, twenty-three, twenty-eight, twenty-seven, thirty, thirty-one, thirty-three, thirty-six, is hereby vacated.

SEC. 28. That all that part of the town of Barnard, Barnard. Lin-



coln county, Kansas, lying northeast of the northerly line of Mills avenue, except Main street; also all that part lying northeast of the westerly line of Hart street, is hereby vacated.

**Beeler.** SEC. 29. That all that part of the town of Beeler, Ness county, Kansas, lying south of the south line of right-of-way of the Chicago, Kansas & Western railroad; also all that part lying east of the easterly line of Baker street; also all that part lying north of the northerly line of Avenue A; also blocks one, twelve, and twenty-three, is hereby vacated.

**Beelerville.** SEC. 30. That all that part of the town of Beelerville, Ness county, Kansas, platted as the north half of block one, the north half of block two, all of blocks four, five, and six, is hereby vacated.

**Burdette.** SEC. 31. That all that part of the town of Burdette, Pawnee county, Kansas, lying south of the south line of Third avenue; also all that part lying east of the east line of Pine street; also all that part lying west of the west line of Maple street; also blocks twenty-three, thirty-five, forty-three, and ninety-three is hereby vacated.

**Sabin's addition.** SEC. 32. That all that part of Sabin's first addition to the town of Brown's Grove, Pawnee county, Kansas, platted as block one, three and four; also all that part of Sabin's second addition to Brown's Grove platted as blocks one, four, five, six, and the west half of block ten, is hereby vacated.

**Coats.** SEC. 33. That all that part of the town of Coats, Pratt county, Kansas, lying east of the east line of Stone street; also all that part lying west of the west line of Smith street, is hereby vacated.

**Challacombe.** SEC. 34. That all that part of the town of Challacombe, Ness county, Kansas, lying south of the south line of Cora avenue; also blocks two, five, twenty-six and twenty-nine, is hereby vacated.

**Dillwyn.** SEC. 35. That all that part of the town of Dillwyn, Stafford county, Kansas, lying east of the east line of Smith street; also all of that part lying west of the west line of Cook street, is hereby vacated.

**Diamond.** SEC. 36. That all that part of the town of Diamond Springs, Morris county, Kansas, lying north of the north line of Lincoln street, except Main street; also all that part lying west of the west line of Lynn street; also all that part

lying east of the east line of Locust street; also all of blocks one, two and three, is hereby vacated.

SEC. 37. That all that part of the town of East Akron, <sup>East Akron.</sup> Cowley county, Kansas, lying north of the north line of Henry street; also all that part lying south of the south line of Thompson street, is hereby vacated.

SEC. 38. That all that part of the town of Fairfield, Wa- <sup>Fairfield.</sup> baunsee county, Kansas, lying west of the westerly line of right-of-way of the Manhattan, Alma & Burlingame railroad, except blocks eighteen and nineteen and Main street; also all that part lying south of the south line of Main street and east of the easterly line of right-of-way of the Manhattan, Alma & Burlingame railroad, is hereby vacated.

SEC. 39. That all that part of the town of Havana, Mont- <sup>Havana.</sup> gomery county, Kansas, lying north of the north line of Moore street, and east of the east line of Vore street; also blocks nine, fifteen, twenty-three, twenty-four, twenty-six, twenty-seven, thirty-two, thirty-four and thirty-five, is hereby vacated.

SEC. 40. That the town-site of Hanston, Hodgeman county, <sup>Hanston.</sup> Kansas, is hereby vacated.

SEC. 41. That all that part of the town of Ingalls, Gray <sup>Ingalls.</sup> county, Kansas, lying northeast of the northerly line of Second avenue; also all that part lying northwest of the westerly line of Strang street; also all that part lying southeast of the easterly line of Edwards street; also blocks twenty-nine, thirty, thirty-three, thirty-four, the east half of block forty-one, all of blocks forty-two, forty-three, forty-four and forty-six is hereby vacated.

SEC. 42. That all that part of the town of Isabel, Barber <sup>Isabel.</sup> county, Kansas, lying north of the northerly line of Ethel avenue; also all that part lying south of the southerly line of the right-of-way of the Chicago, Kansas & Western railroad is hereby vacated.

SEC. 43. That all that part of the town of Kal Vesta, Gar- <sup>Kal Vesta.</sup> field county, Kansas, lying west of the west line of Olive street; also all that part lying north of the north line of Third street; also the west half of block sixteen, the west half of block eighteen, all of blocks nineteen, twenty-four, the west half of block twenty-five, the east half of block twenty-six, the west half of block twenty-seven, all of block twenty-nine,

the east half of block thirty-one, all of blocks thirty-eight, forty-two and forty-three is hereby vacated.

Lewis.

SEC. 44. That all that part of the town of Lewis, Edwards county, Kansas, lying north of the north line of First avenue; also the west half of block one, the east half of block five, all of block six, the west half of block seven, the west half of block eight, the west half of block nine, all of blocks eleven, twelve, the west half of block thirteen, the west half of block fifteen, the east half of block sixteen, all of blocks seventeen, eighteen, nineteen, the west half of block twenty, the east half of block twenty-one, all of block twenty-two, the east half of block twenty-three, all of blocks twenty-four, twenty-five, twenty-nine and thirty, is hereby vacated.

Lost Springs.

SEC. 45. That all that part of the town of Lost Springs, Marion county, Kansas, lying east of the east line of right-of-way of the Chicago, Kansas & Nebraska railway; also all of blocks one, two, three, four, five, six, the east half of block seven, the west half of block eight, the north half of block nine, all of block ten, and the west half of block eleven, is hereby vacated.

Modoc.

SEC. 46. That all that part of the town of Modoc, Scott county, Kansas, lying west of the west line of Sands street; also all that part lying north of the north line of Robinson avenue; also all that part lying east of the east line of Miller street, is hereby vacated.

Oak Hill.

SEC. 47. That all that part of the town of Oak Hill, Clay county, Kansas, lying north and east of the right-of-way of the Chicago, Kansas & Western railroad; also all that part lying south of the south line of Pearl street, is hereby vacated.

Navarre.

SEC. 48. That all that part of the town of South Navarre, Dickinson county, Kansas, lying west of the west line of Third avenue; also all that part lying north of the north line of May street; also all that part lying south of the south line of Wrightsman street, is hereby vacated.

Rush.

SEC. 49. That all that part of the town of Rush Center, Rush county, Kansas, lying south of the south line of Washington street; also that part lying west of the west line of First street, is hereby vacated.

Stone & Cross's.

SEC. 50. That all that part of Stone & Cross's addition to the town of Ravanna, Garfield county, Kansas, lying south of the south line of Grant avenue, of Ravanna produced; also

blocks one, two, three, four, eight, nine, ten, eleven, fifteen, seventeen, nineteen and twenty in Stone & Cross's addition to Ravanna; also all that part of Harper's addition to the town of Ravanna, Garfield county, Kansas, lying south of the south line of Franklin avenue of Ravanna; also all that part of Bull's second addition to the town of Ravanna, Garfield county, Kansas, lying north of Avenue D, is hereby vacated.

SEC. 51. That all that part of the town of Rock, Cowley <sup>Rock.</sup> county, Kansas, platted as blocks one, four, five, six, seven, and the south half of block eight, all of block ten, the south half of block thirteen, the north half of block fourteen, all of blocks seventeen, eighteen, nineteen, the south half of block twenty, the north half of block twenty-one, all of blocks twenty-two, twenty-three, and twenty-four, is hereby vacated.

SEC. 52. That all that part of the town of Speareville, Ford <sup>Speareville.</sup> county, Kansas, lying northwest of the northerly line of Gilbert avenue; also blocks twenty-six, twenty-seven, the east half of block twenty-nine, all of block thirty-two, is hereby vacated.

SEC. 53. That all that part of the town of Springvale, Pratt <sup>Springvale.</sup> county, Kansas, lying north of the north line of right-of-way of the Chicago, Kansas & Western railroad, is hereby vacated.

SEC. 54. That all that part of the town of South Bazine, <sup>Bazine.</sup> Ness county, Kansas, lying west of the westerly line of Gilmore street; also all that part lying south of the southerly line of Nickerson avenue, is hereby vacated.

SEC. 55. That all that part of the town of Shaw, Neosho <sup>Shaw.</sup> county, Kansas, lying north of the north line of Oak avenue; also the west half of block three, all of blocks four, five, the east half of block seven, and the west half of block eight, is hereby vacated.

SEC. 56. That all that part of the town of Sylvia, Reno <sup>Sylvia.</sup> county, Kansas, lying south of the southerly line of Avenue E and east of the easterly line of Mardis street; also all that part lying east of the easterly line of Pleona street; also all that part lying north of the northerly line of Avenue B, except Main street; also blocks sixteen, seventeen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-nine, the west half of block thirty-eight, the west half of block forty-two, the east half of block forty-three, the east half of block forty-four, the west half of block forty-five, the

west half of block forty-six, the west half of block forty-seven, the east half of block fifty-one, the west half of block sixty-four, all of blocks sixty-five and sixty-six, is hereby vacated.

Timken.

SEC. 57. That all that part of the town of Timken, Rush county, Kansas, lying south of right-of-way of the Chicago, Kansas & Western railroad, is hereby vacated.

Tuell.

SEC. 58. That the town-site of Tuell, Wichita county, Kansas, is hereby vacated.

Plainville.

SEC. 59. That all that part of the Santa Fe and Plainville Land & Lot Company's additions to the city of Plainville, Rooks county, Kansas, lying east of the east line of Commercial avenue and south of the south line of Mills street, is hereby vacated.

Atkin.

SEC. 60. That all of the town site of Atkin within the bounds of Graham county, and the streets and alleys of said town-site, be and are hereby vacated. And the land upon which said town-site was located is hereby restored to its original description under the survey of the United States government as if no platting for town had taken place.

Eudora.

SEC. 61. That all the streets and alleys in the town of Eudora, Douglas county, lying south of Twelfth street, except C, E and Nineteenth streets, are hereby vacated.

Lake View.

SEC. 62. That Lake View addition to Dodge City, Kansas, comprising section 23, town 26, range 25, west 6th principal meridian, in Ford county, Kansas, is hereby vacated.

Lazette.

SEC. 63. That all that portion of land consisting of the west half of the southeast quarter of section twenty-one (21); also the east half of the southeast quarter of section twenty-one (21) and the west half of the southwest quarter of section twenty-two (22), all in township thirty-one (31) south, range seven (7) east, in Cowley county, Kansas, and heretofore platted as the town-site of the town of Lazette, in said Cowley county, Kansas, be and the same is hereby vacated, leaving the same as though the said lands had never been platted.

Wilmot.

SEC. 64. That all that portion of land lying north and east of the right-of-way of the Kansas City & Southwestern Railroad Company, now known as the St. Louis & San Francisco Railroad Company, and situated in section three (3), in township thirty-one (31) south, range five (5) east, in Cowley county, Kansas, and heretofore platted as part of the town-site of the town of Wilmot, in said Cowley county, Kansas, be and the same is hereby vacated.

SEC. 65. That all that land embraced in the addition to Garden City, Kansas, and known as Forest Park, being the northwest quarter of section 16, township 24 south, of range 31 west, is hereby vacated.

SEC. 66. That the town-site of Celia, Rawlins county, Kansas, is hereby vacated.

SEC. 67. That all streets, alleys and public grounds of whatever kind within the boundaries of that portion of the hereinbefore designated town-sites declared vacated by this act be and the same are hereby vacated, and shall revert to and become the property of the owners of the adjacent lots to the center of each of such streets, alleys and other public grounds.

SEC. 68. This act shall take effect and be and remain in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 13, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLXII.

### VACATE PART OF MAIN STREET, DEXTER'S ADDITION.

AN ACT to vacate part of Main street, in Dexter's addition to the city of Newton, in Harvey county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all that part of Main street in Dexter's addition to the city of Newton, Kansas, lying and being between blocks four (4) and five (5), between blocks six (6) and seven (7), between blocks fourteen (14) and fifteen (15), and between blocks sixteen (16) and seventeen (17) be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889.      WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLXIII.

### VACATE TOWN-SITE OF INDIANOLA.

AN ACT to vacate the town-site of Indianola, and the streets and alleys thereof.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the town-site of Indianola, situated within the bounds of what was formerly known as Calhoun county, and within the present bounds of Shawnee county, and the streets and alleys of said town-site, be and hereby are vacated; and the land upon which said town-site was located is hereby restored to its original description under the survey of the United States government, as if no platting for a town had taken place.

SEC. 2. This act shall take effect and be in force from and after its publication in the session laws of 1889.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLXIV.

### VACATE ALLEYS IN KIRWIN.

AN ACT to vacate certain alleys in certain blocks in the city of Kirwin, in Phillips county, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the alley through block C, in range four (4), and the alleys north and south and east and west



through block B, in range five (5), and the alley east and west through block B, in range six (6), and the alley through block E, in range ten (10), in the city of Kirwin, in Phillips county, in the state of Kansas, be and the same are hereby vacated, and the title thereto shall revert to the adjacent lot-owners on either side of said vacated alleys.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 21, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLXV.

### VACATE CERTAIN BLOCKS, ETC., IN NEWTON.

AN ACT to vacate certain blocks, streets and alleys in the city of Newton, in Harvey county.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all that part of the city of Newton, in Harvey county, Kansas, included within blocks one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and fourteen, in Rogers Place to Newton, and the alleys in said blocks and the streets between said blocks, be and the same are hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.



## CHAPTER CCLXVI.

### VACATE CERTAIN STREETS AND ALLEYS, COUNCIL GROVE.

AN ACT to vacate portions of certain streets and certain alleys in the city of Council Grove.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all of Chick street west of Sixth street, all of Seventh street south of Hall street, and all of Hall street west of Eighth street, and the alleys in blocks sixty-three, sixty-seven, sixty-eight and eighty-five, in the city of Council Grove, Morris county, be and the same are hereby vacated; and the title to each of said portions of streets and of said alleys so vacated is hereby vested in the abutting lot-owners on said portions of street and on said alleys in proportion to frontage of lots held by the owners thereof respectively.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 26, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCLXVII.

### VACATE CEMETERY, ATCHISON COUNTY.

AN ACT to vacate, as a cemetery, certain lands in Atchison county belonging to "The Oak Hill Cemetery Association."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That so much of the following-described real estate, situated in the county of Atchison, state of Kansas, to wit: Commencing one-half mile north of the southeast

corner of the northeast quarter of section No. 2, in township No. six (6) of range No. twenty (20), running thence west eighty (80) rods, thence south forty (40) rods, thence east eighty (80) rods, thence north forty (40) rods, to the place of beginning, containing about twenty (20) acres, as has not been platted into cemetery lots, be and the same is hereby vacated as a cemetery, and the title to the said land so vacated be vested in the present owners of the stock of "The Oak Hill Cemetery Association" in the proportion of their ownership of such stock.

SEC. 2. This act shall take effect from and after its publication in the statute book.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## CHAPTER CCLXVIII.

### WAGES—GARNISHMENTS AND ATTACHMENTS FOR.

AN ACT to amend chapter 111 of the Session Laws of 1886, being an act entitled "An act in relation to garnishments and attachments for wages in certain cases."

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter one hundred and eleven of the session laws of eighteen hundred and eighty-six is hereby amended so as to read as follows: Section 1. That the earnings of a debtor, who is a resident of this state, for his personal services at any time within three months next preceding the issuing of an execution, attachment or garnishment process, cannot be applied to the payment of his debts when it is made to appear by the debtor's affidavit or otherwise that such earnings are necessary for the maintenance of a family supported wholly or partly by his labor: *Provided*, That at the time of filing such affidavit the debtor shall notify the plaintiff or his agent or attorneys thereof in

writing: *And provided*, That nothing herein contained shall prevent the adverse party from controverting the matters sought to be proven by such affidavit by counter-affidavit, or if sought to be proven in any other manner the same may be controverted by any competent evidence: *And provided further*, That such counter-affidavit shall be filed within twenty-four hours after the notice of the filing of the said debtor's affidavit, and final hearing shall be had thereon at a time to be fixed by the court within ten days from the notice of the filing of the debtor's affidavit if pending in the justices' court, and if pending in the district court it shall be tried at the first term held after filing such affidavit.

SEC. 2. That original section one of the act of which this is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLXIX.

### WEIGHTS AND MEASURES.

AN ACT relating to weights and measures, and amendatory of section one of chapter two hundred and seven of the Session Laws of eighteen hundred and eighty-five.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter two hundred and seven of the session laws of eighteen hundred and eighty-five be amended so as to read as follows: Sec. 1. Whenever any of the following articles shall be contracted for, or sold or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows: Wheat, sixty pounds; rye, fifty-six pounds; Indian corn, shelled, fifty-six pounds; Indian corn, in the ear, seventy pounds; rice corn,

fifty-six pounds; sorghum seed, fifty-six pounds; buckwheat, fifty pounds; barley, forty-eight pounds; malt, thirty-two pounds; oats, thirty-two pounds; bran, twenty pounds; corn meal, fifty pounds; beans, sixty pounds; clover seed, sixty pounds; Hungarian and millet seed, fifty pounds; Irish potatoes, sixty pounds; sweet potatoes, fifty pounds; turnips, fifty-five pounds; flax seed, fifty-six pounds; onions, fifty-seven pounds; salt, fifty pounds; castor beans, forty-six pounds; hemp seed, forty-four pounds; native blue-grass seed, fourteen pounds; English blue-grass seed, twenty-two pounds; timothy seed, forty-five pounds; dried peaches, thirty-three pounds; dried apples, twenty-four pounds; green apples, forty-eight pounds; stone coal, eighty pounds; unslacked lime, eighty pounds; plastering hair, unwashed, eight pounds; plastering hair, washed, four pounds.

SEC. 2. Original section one of chapter two hundred and seven of the session laws of eighteen hundred and eighty-five is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 2, 1889. WILLIAM HIGGINS, *Secretary of State*.

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## CHAPTER CCLXX.

### WICHITA—LEGALIZING ORDINANCE OF.

AN ACT to legalize ordinance No. 217 of the city of Wichita.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That ordinance No. 217 of the city of Wichita, entitled "An ordinance vacating the alley between lots 94, 96, 98, 100, 102, 104, 106 and 108 on Market street, and lots 95, 97, 99, 101, 103, 105, 107 and 109 on Lawrence avenue, in Griffenstein's third addition to the city of Wichita," published

415  
bruary 12, 1879, and approved February 10, 1879, is here-  
legalized.

SEC. 2. This act shall take effect and be in force from and  
after its publication in the statute book.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct  
copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCLXXI.

### WYANDOTTE—SALE OF COUNTY JAIL.

AN Act providing for the sale of the present Wyandotte county jail and  
jail-site, and to provide for the purchase of another jail-site and the  
erection of a jail thereon; and authorizing the Board of County  
Commissioners of Wyandotte county to use the money derived from  
the sale of the present jail and jail-site in the erection of a new jail,  
and to issue bonds in payment of the difference between the amount  
of money derived from the present jail and jail-site and the amount  
necessary to purchase such new jail-site, and to erect a new jail  
thereon.

*Be it enacted by the Legislature of the State of Kansas:*

Board may.

SECTION 1. That the board of county commissioners of the  
county of Wyandotte are hereby authorized to sell and con-  
vey the present jail and jail-site, and are hereby required to  
sell the same within six months from the passage of this act:

Proviso.

*Provided,* That at least thirty days' notice thereof shall be first  
published in some newspaper of general circulation in said  
county, and the purchase price thereof shall be for cash.

Not exceeding.

SEC. 2. Immediately after the sale of said present jail and  
jail-site, the county commissioners shall procure a new jail-site  
by purchase, gift or otherwise, and as soon thereafter as practi-  
cable shall advertise for bids for the erection of a jail on such  
site, and shall issue the bonds of the county for an amount not  
exceeding forty thousand dollars to pay the difference between  
the amount of money derived from the present jail and site  
and the cost of the new site and new jail. Such bonds shall

Rate of Interest.

run for a period of not more than thirty years, and shall bear

interest at a rate not exceeding six per cent. per annum; and it shall be the duty of the board of county commissioners annually, at the time of levying other taxes, to levy an amount each year to pay the interest as the same shall become due, and also before the date of maturity of each bond to levy a tax for the final redemption of all such bonds as they shall severally become due; and all moneys realized under a sale of such bonds shall be a special fund called the "jail fund," and shall be appropriated only for the purposes hereinbefore specified: *Provided*, That no bonds issued in pursuance of this act shall be sold for less than their par value, nor shall bonds be issued under this act to an amount exceeding the sum of forty thousand dollars.

SEC. 3. Before the contract for the erection of said jail shall be let, the plans, specifications, materials and all details shall be settled upon by the board of county commissioners. Thereafter the contract or contracts shall be let to the lowest responsible bidder or bidders, and the said board of county commissioners shall take from such contractor or contractors good and sufficient bonds with approved securities, payable to the county of Wyandotte for the use of the "jail fund," for the faithful discharge of the obligations of said contract or contracts, and that such contractor or contractors will pay all bills for material and labor, and will hold the county harmless from all claims for any material or labor.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

bruary 12, 1879, and approved February 10, 1879, is here-  
legalized.

SEC. 2. This act shall take effect and be in force from and  
after its publication in the statute book.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct  
copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCLXXI.

### WYANDOTTE — SALE OF COUNTY JAIL.

AN ACT providing for the sale of the present Wyandotte county jail and  
jail-site, and to provide for the purchase of another jail-site and the  
erection of a jail thereon; and authorizing the Board of County  
Commissioners of Wyandotte county to use the money derived from  
the sale of the present jail and jail-site in the erection of a new jail,  
and to issue bonds in payment of the difference between the amount  
of money derived from the present jail and jail-site and the amount  
necessary to purchase such new jail-site, and to erect a new jail  
thereon.

*Be it enacted by the Legislature of the State of Kansas:*

Board may.

SECTION 1. That the board of county commissioners of the  
county of Wyandotte are hereby authorized to sell and con-  
vey the present jail and jail-site, and are hereby required to  
sell the same within six months from the passage of this act:  
*Provided*, That at least thirty days' notice thereof shall be first  
published in some newspaper of general circulation in said  
county, and the purchase price thereof shall be for cash.

Proviso.

Not exceeding.

SEC. 2. Immediately after the sale of said present jail and  
jail-site, the county commissioners shall procure a new jail-site  
by purchase, gift or otherwise, and as soon thereafter as practi-  
cable shall advertise for bids for the erection of a jail on such  
site, and shall issue the bonds of the county for an amount not  
exceeding forty thousand dollars to pay the difference between  
the amount of money derived from the present jail and site  
and the cost of the new site and new jail. Such bonds shall

Rate of interest.

run for a period of not more than thirty years, and shall bear

interest at a rate not exceeding six per cent. per annum; and it shall be the duty of the board of county commissioners annually, at the time of levying other taxes, to levy an amount each year to pay the interest as the same shall become due, and also before the date of maturity of each bond to levy a tax for the final redemption of all such bonds as they shall severally become due; and all moneys realized under a sale of such bonds shall be a special fund called the "jail fund," and shall be appropriated only for the purposes hereinbefore specified: *Provided*, That no bonds issued in pursuance of this act shall be sold for less than their par value, nor shall bonds be issued under this act to an amount exceeding the sum of forty thousand dollars.

SEC. 3. Before the contract for the erection of said jail shall be let, the plans, specifications, materials and all details shall be settled upon by the board of county commissioners. Thereafter the contract or contracts shall be let to the lowest responsible bidder or bidders, and the said board of county commissioners shall take from such contractor or contractors good and sufficient bonds with approved securities, payable to the county of Wyandotte for the use of the "jail fund," for the faithful discharge of the obligations of said contract or contracts, and that such contractor or contractors will pay all bills for material and labor, and will hold the county harmless from all claims for any material or labor.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.



bruary 12, 1879, and approved February 10, 1879, is here-  
legalized.

SEC. 2. This act shall take effect and be in force from and  
after its publication in the statute book.

Approved February 25, 1889.

I hereby certify that the foregoing is a true and correct  
copy of the original enrolled bill now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

## CHAPTER CCLXXI.

### WYANDOTTE — SALE OF COUNTY JAIL.

AN ACT providing for the sale of the present Wyandotte county jail and  
jail-site, and to provide for the purchase of another jail-site and the  
erection of a jail thereon; and authorizing the Board of County  
Commissioners of Wyandotte county to use the money derived from  
the sale of the present jail and jail-site in the erection of a new jail,  
and to issue bonds in payment of the difference between the amount  
of money derived from the present jail and jail-site and the amount  
necessary to purchase such new jail-site, and to erect a new jail  
thereon.

*Be it enacted by the Legislature of the State of Kansas:*

Board may.

SECTION 1. That the board of county commissioners of the  
county of Wyandotte are hereby authorized to sell and con-  
vey the present jail and jail-site, and are hereby required to  
sell the same within six months from the passage of this act:  
*Provided*, That at least thirty days' notice thereof shall be first  
published in some newspaper of general circulation in said  
county, and the purchase price thereof shall be for cash.

Proviso.

Not exceeding.

SEC. 2. Immediately after the sale of said present jail and  
jail-site, the county commissioners shall procure a new jail-site  
by purchase, gift or otherwise, and as soon thereafter as practi-  
cable shall advertise for bids for the erection of a jail on such  
site, and shall issue the bonds of the county for an amount not  
exceeding forty thousand dollars to pay the difference between  
the amount of money derived from the present jail and site  
and the cost of the new site and new jail. Such bonds shall

Rate of Interest.

run for a period of not more than thirty years, and shall bear

interest at a rate not exceeding six per cent. per annum; and it shall be the duty of the board of county commissioners annually, at the time of levying other taxes, to levy an amount each year to pay the interest as the same shall become due, and also before the date of maturity of each bond to levy a tax for the final redemption of all such bonds as they shall severally become due; and all moneys realized under a sale of such bonds shall be a special fund called the "jail fund," and shall be appropriated only for the purposes hereinbefore specified: *Provided*, That no bonds issued in pursuance of this act shall be sold for less than their par value, nor shall bonds be issued under this act to an amount exceeding the sum of forty thousand dollars.

SEC. 3. Before the contract for the erection of said jail shall be let, the plans, specifications, materials and all details shall be settled upon by the board of county commissioners. Thereafter the contract or contracts shall be let to the lowest responsible bidder or bidders, and the said board of county commissioners shall take from such contractor or contractors good and sufficient bonds with approved securities, payable to the county of Wyandotte for the use of the "jail fund," for the faithful discharge of the obligations of said contract or contracts, and that such contractor or contractors will pay all bills for material and labor, and will hold the county harmless from all claims for any material or labor.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 27, 1889. WILLIAM HIGGINS, *Secretary of State*.

# PROPOSED AMENDMENTS TO THE CONSTITUTION, &c.

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## HOUSE JOINT RESOLUTION NO. 5.

HOUSE JOINT RESOLUTION No. 5, Proposing an amendment to sections three and twenty-five of article two of the constitution.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to each house thereof concurring therein:*

SECTION 1. The following proposition to amend the constitution of the state of Kansas is hereby submitted to the qualified electors of the state for their approval or rejection, namely: That section three, article two, be amended so that the same shall read as follows: Section 3. The members of the legislature shall receive as compensation for their services the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile traveled by the usual route in going to and returning from the place of meeting; but no compensation shall be allowed or paid to any member for more than ninety days at any regular session, nor for more than thirty days at any special session. And that section twenty-five of article two be amended so as to read as follows: Section 25. All sessions of the legislature shall be held at the state capital, and all regular sessions shall be held once in two years, commencing on the first Tuesday of December of each alternate year, commencing on the first Tuesday of December, A. D. one thousand eight hundred and ninety.

SEC. 2. This proposition shall be submitted to the electors of this state at the general election of representatives to the legislature in the year A. D. eighteen hundred and ninety for their approval or rejection. Those voting in favor of this proposition shall have written or printed on their ballots, "For the amendment to sections three and twenty-five of article two of the constitution;" those voting against the said

proposition shall have written or printed on their ballots, "Against the amendment to sections three and twenty-five of article two of the constitution." Said ballots shall be received and said vote shall be taken, counted, canvassed, and returns thereof be made, in the same manner and in all respects as is provided by law in case of the election of representatives to the legislature.

SEC. 3. This resolution shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## HOUSE JOINT RESOLUTION NO. 8.

HOUSE JOINT RESOLUTION No. 8, For the submission of a proposition to amend the constitution of the State of Kansas.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to each house thereof concurring therein:*

SECTION 1. The following proposition to amend the constitution of this state is hereby submitted to the qualified electors of the state for their approval or rejection, namely: The constitution of the state of Kansas is hereby amended by striking out the whole of sections 2 and 13 of article three of the constitution, and inserting in lieu of said sections the following, which shall constitute section 2 of article 3 of the constitution: Section 2. The supreme court shall consist of seven justices, who shall be chosen by the electors of the state, four of whom shall constitute a quorum, and the concurrence of four shall be necessary to every decision of the court. Any elector of the state shall be eligible to be elected or appointed justice of the supreme court. The justice holding the oldest commission by virtue of an election shall be the chief justice, and in case two or more justices shall hold commissions by

virtue of an election, of the same date, older than the commissions of the other justices, they shall determine by lot who shall be chief justice. The term of each justice of the supreme court shall be six years, commencing on the second Monday in January next after his election. On the adoption of this amendment the four additional justices provided for by this amendment shall be appointed by the governor, and shall hold their offices until the next general election in 1891, when their successors shall be elected, one to serve until the second Monday of January, 1894; another to serve until the second Monday of January, 1896; and the other two to serve until the second Monday of January, 1898. The members of the supreme court elected at or prior to the time of the adoption of this amendment shall be justices of the supreme court under this amendment for the period of time for which they were elected. After the general election in 1891 one justice of the supreme court shall be elected at the general election in each year except the year 1897, and every six years thereafter, when two justices shall be elected. The justices of the supreme court and the judges of the district court shall at stated times receive for their services such compensation as may be provided by law: *Provided*, Such compensation shall not be less than fifteen hundred dollars to each justice or judge each year; and such justices or judges shall receive no fees or perquisites, nor hold any other office of profit or trust, except a judicial office, under the authority of the state or the United States during the term of office for which said justices or judges shall be elected, nor practice law in any of the courts in the state during their continuance in office.

SEC. 2. This proposition shall be submitted to the electors of this state at the general election for the election of representatives to the legislature in the year A. D. eighteen hundred and ninety, for their approval or rejection. Those voting in favor of this proposition to amend the constitution shall have written or printed on their ballots, "For the judicial amendment to the constitution." Those voting against this proposition to amend the constitution shall have written or printed on their ballots, "Against the judicial amendment to the constitution." Said ballots shall be received and said votes shall be taken, counted, canvassed, and returns thereof made, in the same manner and in all respects as is provided

by law in cases of the election of representatives in the legislature.

SEC. 3. This resolution shall take effect and be in force from and after its publication in the statute book.

Approved February 27, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## SENATE JOINT RESOLUTION NO. 5.

SENATE JOINT RESOLUTION No. 5, Relating to the delegation to the beef and pork combine convention, and making appropriation therefor.

*Be it resolved by the Legislature of the State of Kansas:*

*First:* That there be and is hereby appropriated out of the general fund of the state not otherwise appropriated the sum of twenty-five hundred dollars, or so much thereof as may be necessary, to pay the per diem and mileage of the delegation appointed by authority of senate concurrent resolution number 9, in amount not exceeding to each member legislative per diem and mileage, to be drawn from the treasury upon the sworn vouchers of the several members of such delegation.

*Second:* That the chairman of the delegation from Kansas is hereby authorized to draw from the treasury, upon his sworn voucher, in addition to his per diem and mileage, such a sum as will be a just proportion of the state of Kansas in meeting such expense of the convention of states as may be contracted and determined by the said convention, and to pay the expense of any clerk hire necessary for the Kansas delegation.

*Third:* That the governor of Kansas is hereby requested to designate Tuesday, the 12th day of March, 1889, and the city of St. Louis, Mo., as a suitable time and place for holding the said convention of states; provided the same is in

harmony with the correspondence of the several governors of interested states and territories now in his possession.

Approved February 14, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## SENATE JOINT RESOLUTION NO. 6.

SENATE JOINT RESOLUTION No. 6, Relating to beef and pork combine conventions.

*Be it resolved by the Legislature of the State of Kansas:*

*First:* That senate joint resolution No. 5, being a resolution appropriating money covering the expenses of Kansas and the Kansas delegation to the St. Louis convention March 12, 1889, take effect and be in force from and after its publication in the official state paper, and the secretary of state is hereby directed to cause such publication.

*Second:* That this resolution shall take effect and be in force from and after its publication in the official state paper.

Approved March 1, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office, and that the same was published in the official state paper March 14, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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## MEMORIALS TO CONGRESS AND EXECUTIVE DEPARTMENTS AT WASHINGTON.

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### SENATE CONCURRENT RESOLUTION NO. 7.

SENATE CONCURRENT RESOLUTION No. 7, Relating to the opening of the Indian Territory.

*Resolved by the Senate, the House of Representatives concurring therein:*

That we deem it for the best interests of the country that the Indian territory be immediately opened for settlement.

That our senators in congress be instructed and our representatives be requested to use all proper means to secure legislation in accordance with the sentiment herein expressed.

The secretary of state is hereby directed to transmit a certified copy of this resolution to each senator and member of the house of representatives of this state in congress.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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### SENATE CONCURRENT RESOLUTION NO. 26.

SENATE CONCURRENT RESOLUTION No. 26, Relating to the Interstate Deep-Harbor Convention at Denver.

WHEREAS, In the interstate deep harbor convention held in Denver, Colorado, in August, 1888, the states of Texas, Colorado, Nebraska, Missouri, Iowa, Arkansas, California, Nevada, and Kansas, and the territories of New Mexico, Wyoming, Dakota, Arizona, and Indian Territory, being rep-



resented, it was unanimously resolved by the said convention that the commercial, agricultural, mining, manufacturing and stock interests of all that part of the United States lying west of the Mississippi river and the commercial and naval necessities of the entire country demand a first-class, permanent, safe deep-water harbor on the coast of Texas; and

WHEREAS, The speedy construction and maintenance of such a harbor will greatly promote the prosperity of Kansas by giving her better market and commercial advantages for her rapidly-increasing surplus products: therefore,

*Resolved by the Senate, the House of Representatives concurring therein:*

That our senators and representatives in congress are most earnestly requested to secure the immediate passage of the joint resolution appointing a board of three engineer officers of the United States army, whose duty it shall be to make a careful examination of the northwest coast of the Gulf of Mexico for the purpose of selecting the most suitable location for a deep-water harbor capable of safely accommodating the largest ocean carriers and naval vessels of the world, and to procure a permanent appropriation for the amount found necessary by the said board for the construction and maintenance of such a first-class harbor on the coast of Texas.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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### SENATE CONCURRENT RESOLUTION NO. 33.

SENATE CONCURRENT RESOLUTION No. 33, Relating to tariff on castor beans.

WHEREAS, More than half the quantity of castor beans used in the United States is grown in the state of Kansas; and

WHEREAS, The Mills bill and the senate bill each proposes

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a reduction of the tariff on the same from fifty cents per bushel to twenty-five cents per bushel ; and

WHEREAS, This reduction would greatly injure or wholly destroy a very important industry to the farmers of the state of Kansas: therefore, be it

*Resolved by the Senate, the House of Representatives concurring therein:*

That our senators be directed and our members of congress requested to use every honorable means to prevent said reduction of tariff duty on castor beans or on the oil manufactured therefrom.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## HOUSE CONCURRENT RESOLUTION NO. 12.

HOUSE CONCURRENT RESOLUTION No. 12, Relating to the rights of settlers on Government lands.

WHEREAS, The public land, within grants given to aid in the construction of railroads within the state of Kansas, is now settled upon by a thrifty and enterprising people, with a view of acquiring the rights of settlers under the homestead and preëmption laws;

WHEREAS, They are compelled to pay for said lands the sum of \$2.50 per acre, or double the amount paid by settlers upon same quality of lands outside of said land grants;

WHEREAS, Owing to the stringent rules and regulations now enforced by the present administration, and on account of unfavorable climatic causes, many are not able to perfect title or acquire rights to lands upon which they have settled and made lasting and valuable improvements: therefore, be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:*

That our members of congress and United States senators be and they are hereby requested to use their influence on the

floors of the national congress in behalf of such settlers, and in securing the passage of House bill No. 11,697, relating to the rights of settlers on government lands.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## HOUSE CONCURRENT RESOLUTION NO. 16.

HOUSE CONCURRENT RESOLUTION No. 16, Relating to the death of General Philip H. Sheridan.

WHEREAS, The nation is yet wearing the garb of mourning because of the death of one of her greatest soldiers, whose life-work bears testimony of the highest order of patriotism, as a public servant of spotless character: therefore, be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:*

That in the death of Philip H. Sheridan, whose death occurred on August 5, 1888, we recognize a loss to the nation of one of its greatest soldiers, and to the family the irreparable loss of an exemplary husband and father.

*Resolved further,* That a copy of these resolutions be forwarded to the family of the deceased by the secretary of state.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*



## HOUSE CONCURRENT RESOLUTION NO. 21.

HOUSE CONCURRENT RESOLUTION No. 21, Relating to the enumeration of surviving soldiers and sailors.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That our senators be instructed and members of congress be requested to use all the means in their power to have incorporated in the law providing for a census to be taken in 1890, a provision providing for an enumeration of all surviving soldiers and sailors, showing their age, with name of company and regiment, and length of time in service.

*Resolved*, That the chief clerk of the house of representatives and secretary of the senate be instructed to forward a copy of this resolution to each of our senators and representatives in congress.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State*.

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## HOUSE CONCURRENT RESOLUTION NO. 30.

HOUSE CONCURRENT RESOLUTION No. 30, Relating to sorghum sugar.

WHEREAS, By recent experiments with sorghum cane, it has been discovered that sugar can be successfully manufactured therefrom, and that the finest quality is produced; and

WHEREAS, The United States produces only about one-tenth part of the sugar consumed by its citizens, and it will require the purchase of expensive machinery and heavy expenditure of money and considerable time to establish and successfully operate such industry; and inasmuch as such industry successfully established, operated and maintained would materially benefit our nation; and in view of the pros-

pective revision of the tariff and the reduction of the duty on imported sugars: therefore, be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:*

That our United States senators and representatives in congress be requested to use their influence upon the floor of our national congress to secure the passage of an act in congress giving to any person, persons, partnership or corporation a bounty equal to and to take the place of any and all reduction, should such be made, in the tariff duty now levied on imported sugar; and that a copy of this resolution be forwarded by the secretary of state to each of our senators and representatives in congress.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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### HOUSE CONCURRENT RESOLUTION NO. 39.

HOUSE CONCURRENT RESOLUTION No. 39, Relating to pensions to soldiers, sailors, and marines, *et al.*

WHEREAS, Part third, section 4693, Revised Statutes of the United States, granting pensions to soldiers, sailors, marines and militiamen, *et al.*, in its restrictive provision limiting the time of the validity and successful prosecution of claims for pensions of "militiamen and non-enlisted persons on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service" to the fourth day of July, A. D. 1874, has done, and does great injustice and wrong to tens of thousands of men who risked their lives, health and property for the government in its hour of peril, and their widows and dependents; and

WHEREAS, If that class of persons were ever by right entitled to a pension (which they were, equal to all other pension claimants and pensioners) they are equally so entitled for

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all time. The right and justice of their claims does not die by statutory limitation; that only deprives them of the pecuniary blessings of the pension which they are by right entitled to: therefore, be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring:*

That our senators and representatives in congress be and they are hereby instructed to obtain the repeal of the following part of section 4693 of the Revised Statutes of the United States: "But no claim of a state militiaman or non-enlisted person on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four."

*And be it further resolved,* That the secretary of state is hereby instructed to send an engrossed copy of this preamble and resolution to each of our senators and members of congress.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## HOUSE CONCURRENT RESOLUTION NO. 41.

HOUSE CONCURRENT RESOLUTION No. 41, Relating to the assassination of John M. Clayton.

WHEREAS, The grossest frauds have been perpetrated upon republicans of the state of Arkansas, many loyal citizens having been murdered because they affiliated with the republican party, while thousands of other republicans have been disfranchised by ballot-box stuffing, and bulldozed by the shotgun policy of the democratic party of that state; and

WHEREAS, We learn with mingled sorrow and regret of the recent assassination of John M. Clayton, candidate at the late election upon the republican ticket for congress, and

brother of General Powell Clayton, formerly a resident of this state: therefore,

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That the congress of the United States be requested to adopt such measures as will secure to every citizen of the state at one time in open rebellion perfect protection in the exercise of all political rights, even though it be necessary to place such states under military authority. And be it further

*Resolved*, That a copy of these resolutions be forwarded the president-elect of the United States, a copy to each of our senators and members of congress, and a copy to General Powell Clayton.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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### HOUSE CONCURRENT RESOLUTION NO. 43.

HOUSE CONCURRENT RESOLUTION No. 43, Relating to the removal of the Pottawatomie, Kickapoo, and Sac and Fox Indians.

WHEREAS, The various bands or tribes of Pottawatomie, Kickapoo, and Sac and Fox Indians were, prior to 1846, much to their disadvantage, separated and located in different parts of the United States; and

WHEREAS, By a treaty with such Indians they were collected and located upon certain lands situated in the counties of Wabaunsee, Pottawatomie, Jackson, Shawnee, and Brown, in Kansas; and

WHEREAS, By subsequent treaties of 1862, 1867, and 1868, all of such bands except the "Pottawatomies of the Prairies," a part of the Kickapoo, and of the Sac and Fox, were again removed to the Indian territory, where they now remain, said Indians so excepted being permitted to stay upon a portion of the original tracts allotted to said Indians as reservations for their respective bands by said treaties, being situated in the



following counties, to wit: That allotted to the Pottawatomies in Jackson, and to the Kickapoos and the Sac and Fox in Brown county, all in the state of Kansas; and

WHEREAS, Legislation is now pending before congress liable to result in reducing the area of Indian territory by opening the parts now unoccupied to public settlement by white people: therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein:*

That in order to carry out further said policy of the government in removing such Indians to the Indian territory, and to make such policy applicable to the removal of the said "Prairie band" of Pottawatomies, and the said Kickapoo and Sac and Fox, now occupying such diminished reservations in the counties of Jackson and Brown, in appropriate deference to the sentiments and interests of the citizens of Kansas near such reservations, and before any prior and adverse appropriation of the now available and unoccupied lands in said Indian territory shall have been made, our senators and representatives in congress are hereby instructed and requested to take immediate steps toward appropriate legislation or otherwise for the removal of such bands of Indians, in accordance with the methods heretofore employed in the removal of such tribes to said territory, making ample provision for their comfort during the process of such removal, and providing abundant and sufficient accommodation for their necessities after settlement therein.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*



## HOUSE CONCURRENT RESOLUTION NO. 49.

HOUSE CONCURRENT RESOLUTION No. 49, Relating to the Fort Hays and Fort Dodge Military Reservations.

WHEREAS, The Fort Dodge military reservation has long since been abandoned by the United States government as a military post; and

WHEREAS, The Fort Hays military reservation is no longer needed by the United States government as a military post, and is to be abandoned on the first of June, 1889; and

WHEREAS, The state of Kansas is anxious to provide for its indigent old soldiers and sailors proper and suitable homes for their declining years: now, therefore, be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring:*

That our senators and representatives in congress are hereby requested to use their best endeavors to secure the passage of a proper law donating said Fort Hays and Fort Dodge military reservations to the state of Kansas for the purposes aforesaid.

*Resolved further,* That the secretary of state be and he is hereby instructed to transmit a copy of these resolutions to the president of the senate and the speaker of the house of representatives, and to each senator and representative in congress from the state of Kansas.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

WILLIAM HIGGINS, *Secretary of State.*

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## EXECUTIVE DEPARTMENT OF THE STATE OF KANSAS, 1889.

| OFFICE.                                        | NAME.                   | RESIDENCE.     |
|------------------------------------------------|-------------------------|----------------|
| Governor .....                                 | Lyman U. Humphrey.....  | Independence.  |
| Lieutenant Governor.....                       | Andrew J. Felt.....     | Seneca.        |
| Secretary of State.....                        | William Higgins.....    | Topeka.        |
| Auditor of State.....                          | Timothy McCarthy.....   | Larned.        |
| Treasurer of State.....                        | James W. Hamilton.....  | Wellington.    |
| Superintendent of Public Instruction.....      | George W. Winans.....   | Junction City. |
| Attorney General.....                          | Lyman B. Kellogg.....   | Emporia.       |
| State Printer.....                             | Clifford C. Baker.....  | Topeka.        |
| Secretary State Board of Agriculture.....      | Martin Mohler.....      | Osborne.       |
| Secretary State Historical Society.....        | F. G. Adams.....        | Topeka.        |
| Secretary State Horticultural Society.....     | G. C. Brackett.....     | Lawrence.      |
| Superintendent of Insurance.....               | Daniel W. Wilder.....   | Hiawatha.      |
| State Librarian.....                           | H. J. Dennis.....       | Topeka.        |
| State Mine Inspector.....                      | George W. Findlay.....  | Topeka.        |
| Railroad Commissioners.....                    | A. R. Greene.....       | Cedarvale.     |
|                                                | James Humphrey.....     | Junction City. |
|                                                | George T. Anthony.....  | Ottawa.        |
|                                                | N. A. Adams.....        | Manhattan.     |
|                                                | W. W. Smith.....        | Topeka.        |
| State House Commissioners.....                 | E. Baldwin.....         | Lawrence.      |
|                                                | J. N. Roberts.....      | Lawrence.      |
|                                                | James Smith.....        | Marysville.    |
|                                                | Theo. F. Orner.....     | Topeka.        |
|                                                | Samuel S. McFadden..... | Topeka.        |
| Adjutant General.....                          | Robt. R. Moore.....     | Topeka.        |
| Governor's Private Secretary.....              | Frank H. Betton.....    | Wyandotte.     |
| Assistant Secretary of State.....              | H. C. Rizer.....        | Eureka.        |
| Assistant Auditor of State.....                | Jennie M. Kellogg.....  | Emporia.       |
| Assistant State Treasurer.....                 |                         |                |
| Commissioner of Labor Statistics.....          |                         |                |
| Secretary Board of Railroad Commissioners..... |                         |                |
| Assistant Attorney General.....                |                         |                |

## JUDICIARY DEPARTMENT OF THE STATE OF KANSAS.

### JUDGES AND OFFICERS OF UNITED STATES COURT FOR DISTRICT OF KANSAS.

| POSITION.                        | NAME.                   | RESIDENCE.   |
|----------------------------------|-------------------------|--------------|
| Judge of Circuit Court.....      | David J. Brewer.....    | Leavenworth. |
| Judge of District Court.....     | C. G. Foster.....       | Topeka.      |
| District Attorney.....           | W. C. Perry.....        | Fort Scott.  |
| Assistant District Attorney..... | Eugene Hagan.....       | Topeka.      |
| United States Marshal.....       | W. C. Jones.....        | Iola.        |
| Clerk of Circuit Court.....      | George F. Sharratt..... | Leavenworth. |
| Clerk of District Court.....     | Joseph C. Wilson.....   | Topeka.      |

**TERMS OF COURT.**—The District Court is held at Topeka on the second Monday in April, at Leavenworth on the second Monday in October, and at Fort Scott on the second Monday in January, in each year. The Circuit Court is held at Leavenworth on the first Monday in June, at Topeka on the fourth Monday in November, and at Fort Scott on the second Monday in January, in each year.

# JUDGES AND OFFICERS OF THE SUPREME COURT OF KANSAS.

| OFFICE.                                 | NAME.                  | RESIDENCE.   |
|-----------------------------------------|------------------------|--------------|
| Chief Justice.....                      | Albert H. Horton.....  | Atchison.    |
| Associate Justice.....                  | D. M. Valentine.....   | Topeka.      |
| Associate Justice.....                  | W. A. Johnston.....    | Minneapolis. |
| Commissioners of the Supreme Court..... | B. F. Simpson.....     | Topeka.      |
|                                         | J. B. Clogston.....    | Emporia.     |
|                                         | Joel Holt.....         | Beloit.      |
|                                         | C. J. Brown.....       | Topeka.      |
| Clerk.....                              | A. M. F. Randolph..... | Burlington.  |
| Reporter.....                           |                        |              |

The terms of the Supreme Court are held at Topeka, beginning on the first Tuesday of January and first Tuesday of July in each year; but the Judges meet every month between these dates, and file opinions and transact such business as may come before the Court.

## JUDGES OF THE DISTRICT COURTS OF KANSAS.

| DISTRICT.           | NAME.                  | RESIDENCE.      |
|---------------------|------------------------|-----------------|
| First.....          | Robert Crozier.....    | Leavenworth.    |
| Second.....         | Robert M. Eaton.....   | Atchison.       |
| Third.....          | John Guthrie.....      | Topeka.         |
| Fourth.....         | A. W. Benson.....      | Ottawa.         |
| Fifth.....          | Chas. B. Graves.....   | Emporia.        |
| Sixth.....          | C. O. French.....      | Fort Scott.     |
| Seventh.....        | L. Stillwell.....      | Erie.           |
| Eighth.....         | M. B. Nicholson.....   | Council Grove.  |
| Ninth.....          | L. Houk.....           | Hutchinson.     |
| Tenth.....          | J. P. Hindman.....     | Olathe.         |
| Eleventh.....       | George Chandler.....   | Oswego.         |
| Twelfth.....        | F. W. Sturges.....     | Concordia.      |
| Thirteenth.....     | M. G. Troup.....       | Winfield.       |
| Fourteenth.....     | W. G. Eastland.....    |                 |
| Fifteenth.....      | Clark A. Smith.....    | Cawker City.    |
| Sixteenth.....      | J. C. Strang.....      | Larned.         |
| Seventeenth.....    | Louis K. Pratt.....    | Norton.         |
| Eighteenth.....     | C. Reed.....           | Wichita.        |
| Nineteenth.....     | J. T. Herrick.....     | Wellington.     |
| Twentieth.....      | Ansel R. Clark.....    | Sterling.       |
| Twenty-first.....   | Robert B. Spilman..... | Manhattan.      |
| Twenty-second.....  | R. A. Bassett.....     | Seneca.         |
| Twenty-third.....   | S. J. Osborn.....      | Wakeeney.       |
| Twenty-fourth.....  | C. W. Ellis.....       | Medicine Lodge. |
| Twenty-fifth.....   | Frank Foster.....      | Marion.         |
| Twenty-sixth.....   | C. A. Leland.....      | El Dorado.      |
| Twenty-seventh..... | A. J. Abbott.....      | Garden City.    |
| Twenty-eighth.....  | S. W. Leslie.....      | Kingman.        |
| Twenty-ninth.....   | O. L. Miller.....      | Wyandotte.      |
| Thirtieth.....      | R. F. Thompson.....    | Minneapolis.    |
| Thirty-first.....   | Francis C. Price.....  | Ashland.        |
| Thirty-second.....  | Theo. Botkin.....      | Richfield.      |
| Thirty-third.....   | V. H. Grinstead.....   | Dighton.        |
| Thirty-fourth.....  | Chas. W. Smith.....    | Stockton.       |
| Thirty-fifth.....   | William Thomson.....   | Osage City.     |

## JUDICIAL DISTRICTS IN THE STATE OF KANSAS.

**FIRST DISTRICT**—ROBERT CROZIER, JUDGE.  
Counties of Leavenworth, Jefferson, and Jackson.

**SECOND DISTRICT**—ROBT. M. EATON, JUDGE.  
County of Atchison.

**THIRD DISTRICT**—JOHN GUTHRIE, JUDGE.  
County of Shawnee.

**FOURTH DISTRICT**—A. W. BENSON, JUDGE.  
Counties of Douglas, Franklin, and Anderson.

**FIFTH DISTRICT**—CHARLES B. GRAVES, JUDGE.  
Counties of Lyon and Coffey.

**SIXTH DISTRICT**—C. O. FRENCH, JUDGE.  
Counties of Linn, Bourbon, and Crawford.

**SEVENTH DISTRICT**—L. STILLWELL, JUDGE.  
Counties of Woodson, Allen, Neosho, and Wilson.

**EIGHTH DISTRICT**—M. B. NICHOLSON, JUDGE.  
Counties of Geary, Dickinson, and Morris.

**NINTH DISTRICT**—L. HOUK, JUDGE.  
Counties of Reno and Harvey.

**TENTH DISTRICT**—J. P. HINDMAN, JUDGE.  
Counties of Johnson and Miami.

**ELEVENTH DISTRICT**—GEO. CHANDLER, JUDGE.  
Counties of Cherokee, Labette, and Montgomery.

**TWELFTH DISTRICT**—F. W. STURGES, JUDGE.  
Counties of Cloud, Republic, and Washington.

**THIRTEENTH DISTRICT**—M. G. TROUP, JUDGE.  
Counties of Cowley, Elk, and Chautauqua.

**FOURTEENTH DISTRICT**—W. G. EASTLAND, JUDGE.  
Counties of Lincoln, Russell, and Ellsworth.

**FIFTEENTH DISTRICT**—CLARK A. SMITH, JUDGE.  
Counties of Mitchell, Osborne, Jewell, and Smith.

**SIXTEENTH DISTRICT**—J. C. STRANG, JUDGE.  
Counties of Pawnee, Edwards, Hodgeman, and Garfield.

**SEVENTEENTH DISTRICT**—LOUIS K. PRATT, JUDGE.  
Counties of Phillips, Norton, Decatur, Rawlins, and Cheyenne.

**EIGHTEENTH DISTRICT**—C. REED, JUDGE.  
County of Sedgwick.

**NINETEENTH DISTRICT**—J. T. HERRICK, JUDGE.  
County of Sumner.

**TWENTIETH DISTRICT**—ANSEL E. CLARK, JUDGE.  
Counties of Rice, Barton, and Stafford.

**TWENTY-FIRST DISTRICT**—ROBERT B. SPILMAN,  
JUDGE.  
Counties of Marshall, Riley, and Clay.

**TWENTY-SECOND DISTRICT**—R. A. BASSETT, JUDGE.  
Counties of Doniphan, Brown, and Nemaha.

**TWENTY-THIRD DISTRICT**—S. J. OSBORN, JUDGE.  
Counties of Ellis, Trego, Gove, Logan, and Wallace.

**TWENTY-FOURTH DISTRICT**—C. W. ELLIS, JUDGE.  
Counties of Harper and Barber.

**TWENTY-FIFTH DISTRICT**—FRANK DOSTER, JUDGE.  
Counties of McPherson, Marion, and Chase.

**TWENTY-SIXTH DISTRICT**—C. A. LELAND, JUDGE.  
Counties of Butler and Greenwood.

**TWENTY-SEVENTH DISTRICT**—A. J. ABBOTT, JUDGE.  
Counties of Ford, Gray, Finney, Kearny, and Hamilton.

**TWENTY-EIGHTH DISTRICT**—S. W. LESLIE, JUDGE.  
Counties of Kingman, Pratt, and Kiowa.

**TWENTY-NINTH DISTRICT**—O. L. MILLER, JUDGE.  
County of Wyandotte.

**THIRTIETH DISTRICT**—R. F. THOMPSON, JUDGE.  
Counties of Ottawa and Saline.

**THIRTY-FIRST DISTRICT**—FRANCIS C. PRICE, JUDGE.  
Counties of Comanche, Clark, and Meade.

**THIRTY-SECOND DISTRICT**—THEO. BOTKIN, JUDGE.  
Counties of Seward, Stevens, Morton, Haskell, Grant, and Stanton.

**THIRTY-THIRD DISTRICT**—V. H. GRINSTEAD, JUDGE.  
Counties of Rush, Ness, Lane, Scott, Wichita, and Greeley.

**THIRTY-FOURTH DISTRICT**—CHARLES W. SMITH,  
JUDGE.  
Counties of Rooks, Graham, Sheridan, Thomas, and Sherman.

**THIRTY-FIFTH DISTRICT**—WM. THOMSON, JUDGE.  
Counties of Pottawatomie, Wabaunsee, and Osage.

# SENATORS AND REPRESENTATIVES IN CONGRESS.

## SENATORS.

| NAME.                | POST OFFICE.   | NAME.                 | POST OFFICE. |
|----------------------|----------------|-----------------------|--------------|
| John J. Ingalls..... | Atchison ..... | Preston B. Plumb..... | Emporia.     |

## REPRESENTATIVES.

| DISTRICT.    | NAME.                 | POST OFFICE. |
|--------------|-----------------------|--------------|
| First.....   | E. N. Morrill.....    | Hiawatha.    |
| Second.....  | E. H. Funston.....    | Carlyle.     |
| Third.....   | R. W. Perkins.....    | Oswego.      |
| Fourth.....  | Thomas Ryan*.....     | Topeka.      |
| Fifth.....   | John A. Anderson..... | Manhattan.   |
| Sixth.....   | E. J. Turner.....     | Hoxie.       |
| Seventh..... | S. R. Peters.....     | Newton.      |

\* Resigned April 4, 1889.

## LEGISLATIVE DEPARTMENT, STATE OF KANSAS, 1889.

## MEMBERS OF THE SENATE.

| DIST. | NAME.                  | POST OFFICE.        | COUNTY.      |
|-------|------------------------|---------------------|--------------|
| 1     | John Schilling.....    | Hiawatha.....       | Brown.       |
| 2     | Henry Elliston.....    | Atchison.....       | Atchison.    |
| 3     | Ed. Carroll.....       | Leavenworth.....    | Leavenworth. |
| 4     | W. J. Buchan.....      | Kansas City.....    | Wyandotte.   |
| 5     | T. M. Carroll.....     | Paola.....          | Miami.       |
| 6     | Joel Moody.....        | Mound City.....     | Linn.        |
| 7     | W. W. Martin.....      | Fort Scott.....     | Bourbon.     |
| 8     | M. C. Kelley.....      | Mulberry Grove..... | Crawford.    |
| 9     | W. S. Norton.....      | Scammonville.....   | Cherokee.    |
| 10    | C. H. Kimball.....     | Parsons.....        | Labette.     |
| 11    | D. McTaggart.....      | Liberty.....        | Montgomery.  |
| 12    | S. S. Kirkpatrick..... | Fredonia.....       | Willson.     |
| 13    | O. S. Woodward.....    | Neosho Falls.....   | Woodson.     |
| 14    | R. W. M. Roe.....      | Grenola.....        | Elk.         |
| 15    | J. L. Senior.....      | Waverly.....        | Coffey.      |
| 16    | John C. Rankin.....    | Quenemo.....        | Osage.       |
| 17    | W. C. Howard.....      | Baldwin.....        | Douglas.     |
| 18    | T. A. Osborn.....      | Topeka.....         | Shawnee.     |
| 19    | C. F. Johnson.....     | Oskaloosa.....      | Jefferson.   |
| 20    | John K. Wright.....    | Junction City.....  | Davis.       |
| 21    | B. M. Emery.....       | Seneca.....         | Nemaha.      |
| 22    | E. A. Berry.....       | Marysville.....     | Marshall.    |
| 23    | F. P. Harkness.....    | Clay Center.....    | Clay.        |
| 24    | H. E. Richter.....     | Council Grove.....  | Morris.      |
| 25    | Edwin Tucker.....      | Eureka.....         | Greenwood.   |
| 26    | T. B. Murdock.....     | El Dorado.....      | Butler.      |
| 27    | L. P. King.....        | Tannehill.....      | Cowley.      |
| 28    | J. W. Forney.....      | Belle Plaine.....   | Sumner.      |
| 29    | O. H. Bentley.....     | Wichita.....        | Sedgwick.    |
| 30    | H. B. Kelly.....       | McPherson.....      | McPherson.   |
| 31    | J. G. Mohler.....      | Salina.....         | Saline.      |
| 32    | E. E. Swearingin.....  | Concordia.....      | Cloud.       |
| 33    | J. H. Mechem.....      | Mankato.....        | Jewell.      |
| 34    | F. M. Lockard.....     | Norton.....         | Norton.      |
| 35    | R. R. Hays.....        | Osborne.....        | Osborne.     |
| 36    | E. L. Chapman.....     | Great Bend.....     | Barton.      |
| 37    | F. E. Gillett.....     | Kingman.....        | Kingman.     |
| 38    | F. C. Price.....       | Ashland.....        | Clark.       |
| 39    | J. W. Rush.....        | Larned.....         | Pawnee.      |
| 40    | Hill P. Wilson.....    | Hays City.....      | Ellis.       |

\* Resigned March, 1889.

## OFFICERS OF THE SENATE.

| NAME.                  | OFFICE.                        | POST OFFICE.     | COUNTY.    |
|------------------------|--------------------------------|------------------|------------|
| Andrew J. Felt.....    | President.....                 | Seneca.....      | Nemaha.    |
| F. P. Harkness.....    | President <i>pro tem</i> ..... | Clay Center..... | Clay.      |
| A. G. Stacey.....      | Secretary.....                 | Topeka.....      | Shawnee.   |
| Wm. M. Allison.....    | Assistant Secretary.....       | Winfield.....    | Cowley.    |
| L. C. Smith.....       | Sergeant-at-Arms.....          | Stockton.....    | Rooks.     |
| Rev. J. A. Bright..... | Chaplain.....                  | Abilene.....     | Dickinson. |

## MEMBERS OF THE HOUSE.

| DIST. | NAME.              | POST OFFICE.          | COUNTY.       |
|-------|--------------------|-----------------------|---------------|
| 1     | J. D. Williamson   | Troy                  | Doniphan.     |
| 2     | S. R. Stevenson    | Atchison              | Atchison.     |
| 3     | W. M. Walker       | Effingham             | Atchison.     |
| 4     | A. J. Perry        | Nortonville           | Jefferson.    |
| 5     | Frank Swallow      | Valley Falls          | Jefferson.    |
| 6     | L. C. Hay          | Leavenworth           | Leavenworth.  |
| 7     | James F. Legate    | Leavenworth           | Leavenworth.  |
| 8     | L. J. Morgan       | Springdale            | Leavenworth.  |
| 9     | F. Wellhouse       | Fairmount             | Leavenworth.  |
| 10    | G. L. Coates       | Armourdale            | Wyandotte.    |
| 11    | W. H. Young        | Pomeroy               | Wyandotte.    |
| 12    | Nick Reitz         | Monticello            | Johnson.      |
| 13    | William Evatt      | Lawrence              | Douglas.      |
| 14    | John K. Rankin     | Lawrence              | Douglas.      |
| 15    | J. M. Mechem       | Norwood               | Franklin.     |
| 16    | H. J. Smith        | Ottawa                | Franklin.     |
| 17    | M. L. Palmer       | Wade                  | Miami.        |
| 18    | J. H. Rhea         | Sugar                 | Miami.        |
| 19    | J. P. Kenes        | LaCygne               | Linn.         |
| 20    | T. G. Barber       | Garnett               | Anderson.     |
| 21    | E. D. Lacey        | Moran                 | Allen.        |
| 22    | W. M. Rice         | Fort Scott            | Bourbon.      |
| 23    | John Bishop        | Fulton                | Bourbon.      |
| 24    | W. D. Ford         | Pittsburg             | Crawford.     |
| 25    | E. Loomis          | Girard                | Crawford.     |
| 26    | J. S. Gillespie    | Keelville             | Cherokee.     |
| 27    | John W. Herron     | Weir City             | Cherokee.     |
| 28    | W. W. Cranston     | Parsons               | Labette.      |
| 29    | H. S. Coley        | Oswego                | Labette.      |
| 30    | J. Hileman         | Edna                  | Labette.      |
| 31    | J. B. Ziegler      | Independence          | Montgomery.   |
| 32    | D. Stewart Elliott | Coffeyville           | Montgomery.   |
| 33    | J. W. Martin       | Parsons (Labette Co.) | Neosho.       |
| 34    | William Miller     | Chanute               | Neosho.       |
| 35    | John B. Bowe       | La Fontaine           | Wilson.       |
| 36    | J. H. Hale         | Rose                  | Woodson.      |
| 37    | J. W. Burnett      | Leroy                 | Coffey.       |
| 38    | G. W. Carpenter    | Carbondale            | Osage.        |
| 39    | J. V. Admire       | Osage City            | Osage.        |
| 40    | H. C. Safford      | North Topeka          | Shawnee.      |
| 41    | G. W. Veale        | Topeka                | Shawnee.      |
| 42    | J. B. McAfee       | Topeka                | Shawnee.      |
| 43    | T. K. Roach        | Holton                | Jackson.      |
| 44    | W. R. Honnell      | Horton                | Brown.        |
| 45    | D. M. Younkman     | Goffs                 | Nemaha.       |
| 46    | W. J. Bailey       | Baileyville           | Nemaha.       |
| 47    | Wellington Doty    | Marysville            | Marshall.     |
| 48    | Fred. A. Stocks    | Blue Rapids           | Marshall.     |
| 49    | W. R. Benton       | Wheaton               | Pottawatomie. |
| 50    | S. R. Timmons      | Laclede               | Pottawatomie. |
| 51    | Rowland Davies     | Bala                  | Riley.        |
| 52    | M. C. Linscott     | Millford              | Davis.        |
| 53    | A. F. Wade         | Keene                 | Wabaunsee.    |
| 54    | J. J. Wright       | Emporia               | Lyon.         |
| 55    | Fremont Miller     | Admire                | Lyon.         |
| 56    | Nelson Brigham     | Eureka                | Greenwood.    |
| 57    | C. White           | Longton               | Elk.          |
| 58    | Alfred Fairfax     | Peru                  | Chautauqua.   |
| 59    | A. H. Limerick     | Winfield              | Cowley.       |
| 60    | J. O. Campbell     | Arkansas City         | Cowley.       |
| 61    | S. M. Fall         | Cambridge             | Cowley.       |
| 62    | D. W. Poe          | Leon                  | Butler.       |
| 63    | D. M. Elder        | El Dorado             | Butler.       |
| 64    | C. I. Maule        | Strong City           | Chase.        |
| 65    | E. W. Hoch         | Marion                | Marion.       |
| 66    | J. H. C. Brewer    | Peabody               | Marion.       |
| 67    | Morris L. Ritchie  | Council Grove         | Morris.       |
| 68    | J. R. Burton       | Abilene               | Dickinson.    |
| 69    | J. W. Gibson       | Abilene               | Dickinson.    |
| 70    | John Malaby        | Clay Center           | Clay.         |
| 71    | J. I. Edwards      | Haddam                | Washington.   |
| 72    | N. B. Needham      | Clifton               | Washington.   |
| 73    | Gomer T. Davies    | Republic City         | Republic.     |
| 74    | A. D. Wilson       | Scandia               | Republic.     |
| 75    | J. W. Brown        | Clyde                 | Cloud.        |
| 76    | J. O. D. Bland     | Concordia             | Cloud.        |
| 77    | E. B. Crew         | Delphos               | Ottawa.       |
| 78    | Jonathan Weaver    | Salina                | Saline.       |
| 79    | C. A. Swenson      | Lindsborg             | McPherson.    |
| 80    | O. H. Spencer      | McPherson             | McPherson.    |

## MEMBERS OF THE HOUSE—CONCLUDED.

| DIST. | NAME.                    | POST OFFICE.                   | COUNTY.    |
|-------|--------------------------|--------------------------------|------------|
| 81    | L. E. Steele.....        | Newton.....                    | Harvey.    |
| 82    | George L. Douglass.....  | Wichita.....                   | Sedgwick.  |
| 83    | E. W. Phillips.....      | Mulvane (Sumner Co.).....      | Sedgwick.  |
| 84    | H. C. Boyle.....         | Valley Center.....             | Sedgwick.  |
| 85    | D. F. Janeway.....       | Argonia.....                   | Sumner.    |
| 86    | Ledru Guthrie.....       | Wellington.....                | Sumner.    |
| 87    | S. H. Horner.....        | Caldwell.....                  | Sumner.    |
| 88    | A. Martin.....           | Bluff City.....                | Harper.    |
| 89    | H. A. Lee.....           | Kingman.....                   | Kingman.   |
| 90    | E. L. Carter.....        | Lake City.....                 | Barber.    |
| 91    | T. E. Simpson.....       | Pratt Center.....              | Pratt.     |
| 92    | H. M. Waler.....         | Arlington.....                 | Reno.      |
| 93    | J. N. High.....          | Stafford.....                  | Reno.      |
| 94    | William M. Campbell..... | Stafford.....                  | Stafford.  |
| 95    | W. H. Rice.....          | Millard.....                   | Barton.    |
| 96    | E. A. Deupree.....       | Lyons.....                     | Rice.      |
| 97    | A. N. McLennan.....      | Ellsworth.....                 | Ellsworth. |
| 98    | Otis L. Atherton.....    | Russell.....                   | Russell.   |
| 99    | J. D. Miller.....        | Lincoln.....                   | Lincoln.   |
| 100   | L. S. Tucker.....        | Cawker City.....               | Mitchell.  |
| 101   | Z. T. Walrond.....       | Osborne.....                   | Osborne.   |
| 102   | H. B. White.....         | Mankato.....                   | Jewell.    |
| 103   | G. S. Battey.....        | Glen Elder (Mitchell Co.)..... | Jewell.    |
| 104   | Lemuel Faulkner.....     | Riverton, Neb.....             | Smith.     |
| 105   | D. L. Smith.....         | Long Island.....               | Phillips.  |
| 106   | Ell Sherman.....         | Webster.....                   | Rooks.     |
| 107   | James H. Reeder.....     | Ellis.....                     | Ellis.     |
| 108   | J. E. Andrews.....       | LaCrosse.....                  | Rush.      |
| 109   | Henry Booth.....         | Larned.....                    | Pawnee.    |
| 110   | L. G. Boies.....         | Kinsley.....                   | Edwards.   |
| 111   | John M. Canon.....       | Nescatunga.....                | Comanche.  |
| 112   | T. E. Berry.....         | Ashland.....                   | Clark.     |
| 113   | A. H. Heber.....         | Meade Center.....              | Meade.     |
| 114   | W. M. Sutton.....        | Dodge City.....                | Ford.      |
| 115   | R. J. Kenyon.....        | Jetmore.....                   | Hodgeman.  |
| 116   | R. J. McFarland.....     | Ness City.....                 | Ness.      |
| 117   | B. J. F. Hanna.....      | Wakeeney.....                  | Trego.     |
| 118   | James Gordon.....        | Millbrook.....                 | Graham.    |
| 119   | F. M. Duvall.....        | Norton.....                    | Norton.    |
| 120   | W. D. Street.....        | Oberlin.....                   | Decatur.   |
| 121   | M. A. Chambers.....      | Hoxie.....                     | Sheridan.  |
| 122   | C. J. Jones.....         | Garden City.....               | Finney.    |
| 123   | James M. Stewardson..... | Colby.....                     | Thomas.    |
| 124   | A. Nichols.....          | Chardon.....                   | Rawlins.   |
| 125   | J. W. Bishop.....        | Syracuse.....                  | Hamilton.  |
|       | John W. Campbell.....    | Gove City.....                 | Gove.      |
|       | E. F. Murphy.....        | Goodland.....                  | Sherman.   |
|       | E. A. Doreling.....      | Sharon Springs.....            | Wallace.   |
|       | R. I. Rea.....           | Russell Springs.....           | Logan.     |
|       | H. D. Benson.....        | Saint Francis.....             | Cheyenne.  |
|       | D. R. Green.....         | Greensburg.....                | Kiowa.     |
|       | Charles Triplett.....    | Leoti.....                     | Wichita.   |
|       | W. H. Day.....           | Liberal.....                   | Seward.    |
|       | A. S. Beefer.....        |                                | Stevens.   |
|       | W. M. Speck.....         | Ravanna.....                   | Garfield.  |
|       | S. P. Axtell.....        | Santa Fé.....                  | Haskell.   |
|       | A. Adams.....            |                                | Greeley.   |
|       | S. W. Case.....          | Scott City.....                | Scott.     |
|       | B. H. Tracy.....         | Dighton.....                   | Lane.      |
|       | B. C. Mitchell.....      | Richfield.....                 | Morton.    |
|       | Edward Patton.....       | Appomattox.....                | Grant.     |

NOTE.—Those in excess of 125 were admitted from counties organized subsequent to the apportionment.

## OFFICERS OF THE HOUSE.

| NAME.               | OFFICE.                    | P. O. ADDRESS.    | COUNTY.      |
|---------------------|----------------------------|-------------------|--------------|
| Henry Booth.....    | Speaker.....               | Larned.....       | Pawnee.      |
| J. N. High.....     | Speaker pro tem.....       | Arlington.....    | Reno.        |
| H. L. Millard.....  | Chief Clerk.....           | Sterling.....     | Rice.        |
| John Q. Boyce.....  | Assistant Chief Clerk..... | Smith Center..... | Smith.       |
| J. M. Sullivan..... | Chaplain.....              | Baldwin City..... | Douglas.     |
| Robert Adams.....   | Sergeant-at-Arms.....      | Leavenworth.....  | Leavenworth. |





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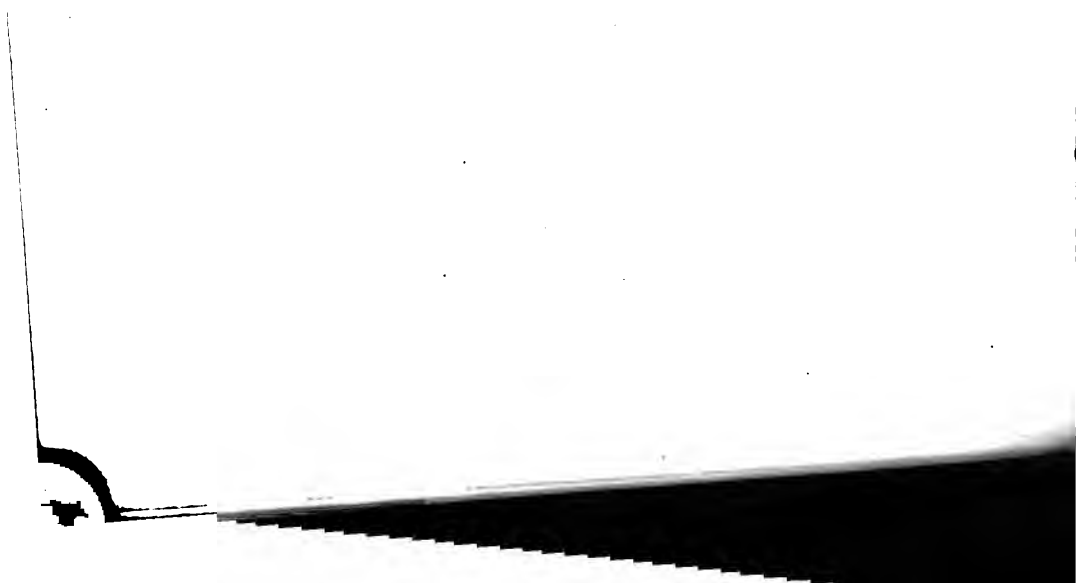
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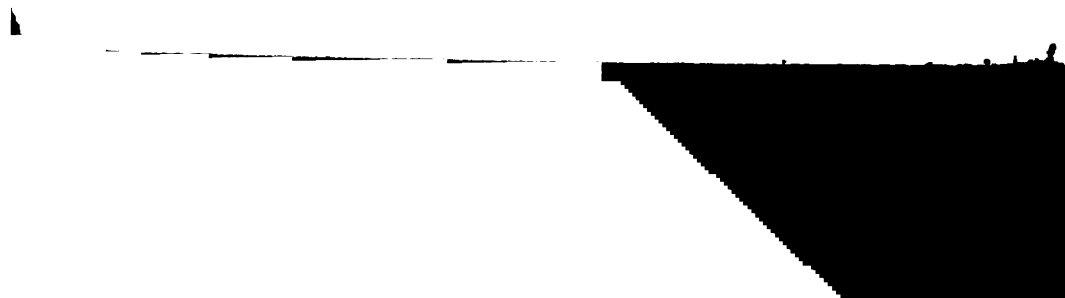
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